



Posted: Friday, March 09, 2018

## NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on  
**WEDNESDAY, MARCH 14<sup>TH</sup>, 2018, at 6:00 PM**  
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

### NO CLOSED SESSION

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES – 02-13-18 scc, 02-15-18 scc, 02-28-18 cc2
- V. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS
- VI. STAFF REPORTS
- VII. ITEMS FROM THE FLOOR

*At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Comments should be directed to the Council as a whole and not to individual Council Members or staff. Council and staff responses will be minimal for non-agenda items.*

#### VIII. CONSENT AGENDA

*All matters on the Consent Agenda are considered routine by the City Council and are enacted in one motion. There is no separate discussion of any of these items. If discussion is requested by any Council member, that item is removed from the Consent Calendar and considered separately. A single opportunity for public comment on the Consent Agenda is available to the public.*

- 1. Staff Activity Report February 2018
- 2. Law Enforcement Report February 2018
- 3. Financial Statements January 2018
- 4. Encroachment Permit Application for Right-of-Way improvements at 674 Underwood Dr.

#### IX. DISCUSSION/ACTION AGENDA ITEMS

- 1. Consider Report and Recommendations from the Ad-hoc STR Committee

#### X. FUTURE AGENDA ITEMS

#### XI. ADJOURNMENT

APPROVAL OF MINUTES FOR:

FEBRUARY 13, 2018, SCC  
FEBRUARY 15, 2018, SCC  
FEBRUARY 28, 2018 CC2

Supporting Documentation follows with: 13 PAGES

*Minutes for the following dates still pending:*

- 10-30-17 scc closed
- 11/15/17 scc closed
- 11/29/17 scc closed

**MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL**  
**TUESDAY, FEBRUARY 13, 2018**

**I. CALL TO ORDER**

- Mayor Rotwein called the meeting to order at 6:30pm. Council members in attendance: West, Ladwig, Miller, Baker, Rotwein.
- City Staff in attendance: City Manager Dan Berman, City Attorney Andy Stunich, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF AGENDA**

*Motion (West/Baker) to approve the agenda. **Passed unanimously.***

**IV. COUNCIL REPORTS – No reports.**

**V. STAFF REPORTS – Deferred to the upcoming meeting on the 15<sup>th</sup>.**

**VI. ITEMS FROM THE FLOOR – No items from the floor were presented.**  
*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**VII. CONSENT AGENDA – No consent items.**

**VIII. DISCUSSION/ACTION AGENDA ITEMS**

**1. Discussion of the Tsurai Management Team.**

City Manager Berman explained that the City of Trinidad is one of four entities currently represented on the Tsurai Management Team (TMT). The TMT is a stakeholder based advisory group formed first to help prepare the Tsurai Management Plan (TMP), and then tasked in the Plan with a goal of guiding TMP implementation to protect and restore the resources of the Tsurai Study Area. The TMT is effectively an advisory group to the TSA land owner, and a forum for stakeholders to work together to implement the Tsurai Management Plan.

The City of Trinidad is the current owner of 12.5 acres of land which includes the historic Yurok village of Tsurai and is referred to as the Tsurai Study Area\* (TSA). The City acquired the TSA from the California Coastal Conservancy, who hold an easement for public access and cultural resource protection over the property.

The Tsurai Management Plan (2007) was drafted by the Yurok Tribe with guidance from the Tsurai Management Team and financial support from the Coastal Conservancy. The Vision Statement of the TMP describes the Plan's goal to 'enhance and coordinate effective management of the TSA... to protect, preserve, and restore the cultural, natural and recreational resources... for this and future generations.' The TMP includes current and historical information on the resources and history of the TSA, discussion of resource management issues, and recommendations for management of the site. The TMP tasks the Tsurai Management Team to guide implementation of the Plan's recommendations.

While the TMP was being drafted, the City of Trinidad, TAS, and Coastal Conservancy committed to making best efforts to implement the Plan's recommendations as part of a legal settlement (Frame 2005). The City adopted the Tsurai Management Plan in 2007.

**TMT Membership and Stakeholders:** The TMP lists the following 7 entities as 'stakeholder groups ...who have a vested interest in the management of the TSA.' (p 3)

- Tsurai Ancestral Society
- City of Trinidad
- California Coastal Conservancy
- Yurok Tribe
- Cher-Ae Heights Indian Community of the Trinidad Rancheria
- Adjacent Property Owners (including individuals, the Trinidad Civic Club, and the Trinidad Coastal Land Trust)
- Interested Public (anyone with an interest in the management of the TSA)

**Current TMT Membership:** The Tsurai Management Team currently includes four of these seven identified stakeholder groups: the Yurok Tribe, the Tsurai Ancestral Society, the City of Trinidad, and the California Coastal Conservancy.

The TMP states: 'The (Trinidad) Rancheria was invited to participate as a member of the Management Team for the purposes of preparing this plan, but declined. However, at this time they remain a stakeholder as identified in the City's consultation protocol of Policy 69.' (p 4). The Trinidad Rancheria declined that initial invitation based on lack of staff resources at the time (circa 2005), and noted their interest in participating in the future. They have since expressed their interest in the Tsurai Study Area and in joining the Tsurai Management Team on multiple occasions over many years. The TMP provides no further guidance on possible changes to the TMT membership, but does call for an adaptive management approach to implementation.

**City General Plan Policy 69:** Policy 69 is the specific policy in the Trinidad Local Coastal Plan (1989) that deals with the protection of archeological and cultural resources within the Tsurai Study Area. It specifically identifies the Trinidad Rancheria, among others, as having a right of consultation on projects on the area of the TSA designated as 'Open Space' in the City Zoning Maps.

Policy 69 states: "There shall be no disturbance, vegetative removal or construction, except for a protective fence around the burial ground, on lands designated as Open Space within the Tsurai Study Area without the approval of the lineal descendants of Tsurai, Trinidad Rancheria, City of Trinidad, and the State Historic Preservation Office"

**TMT Process: Guidelines or bylaws:** The TMT does not have written bylaws or guidelines outside of the language in the Tsurai Management Plan itself. In recent years the TMT has attempted to operate by unanimous consensus. The City, as property owner, can propose and advance projects on the TSA after a good faith effort at consensus and consultation, but has been reluctant to do so without the full support of the TMT. This is especially true considering past legal actions and permit appeals for projects on or near the TMT

The limited guidance in the Management Plan regarding TMT process includes this statement in Part 11: Recommendations:

"Although it is understood that consensus among the Team is ideal, consensus is not always feasible. Therefore, determinations of implementation should be focused on what is best for the entire TSA, including protection of the recreational, cultural, and natural resources contained therein."

**Open vs. Closed meetings:** The TMT has normally held closed meetings, with guests outside of the TMT members invited only by unanimous consent of the TMT.

**TMT and the Brown Act:** The Brown Act requires that 'standing committees' of the City hold their meetings in accordance with the Brown Act. This means the meetings are open to the public, and agendas are posted in advance. The definition of 'standing committee' is broadly interpreted as a committee involving appointed Councilmembers, meeting on an ongoing basis, to address a specific issue or set of issues. Staff believe a cautious interpretation could make the TMT subject to the Brown Act if Councilmembers are central City representatives to the group.

**Implementation of the TMP:** Some TMP recommendations have been implemented, including drainage projects, increased oversight of septic systems in Trinidad, septic system repairs upstream of the TSA, and trail maintenance. Other recommended projects including signage, vegetation management, and a handrail on the Axel Lindgren Memorial Trail, have not advanced.

The TMT has made two significant efforts towards the recommendation to transfer ownership of the TSA. The first was in 2008-2010, when the City and Yurok Tribe were close to completing a land transfer, but the TAS asked the City not to go forward. The second effort at land transfer spans from 2015 to the present and is currently ongoing. The City and TAS agreed in concept in December 2016 to transfer the land to the Yurok Tribe and TAS. The necessary agreements and approvals from the Coastal Conservancy have been in development over the past year and are near complete. The final agreements will need approval by the City, TAS, the Yurok Tribe and the Coastal Conservancy.

**Staff Recommendation:** Staff sees the TMT as a valuable and important forum for communication and collaboration towards the shared goals of protecting and restoring the Tsurai Study Area. All recommendations made here are in the spirit of building upon past efforts and advancing implementation of the Tsurai Management Plan recommendations. The TMT is not a Committee established and created by the City Council, where the Council can clearly appoint members and set policy for the group. That said, the Council can clearly articulate City policy and guidance for the City representatives to advance with the other members of the TMT.

Staff recommends that the City Council consider adopting the following policy positions:

- 1) TMT meetings should be open to the public. Where discussions of confidential information regarding cultural resources is needed, the TMT can hold closed sessions, or the key parties can meet outside of the TMT format.
- 2) TMT membership should be expanded to include the other three stakeholder groups listed in the TMP – The Trinidad Rancheria, a representative of adjacent landowners, and an 'interested public' representative
- 3) The TMT should develop and adopt some basic written guidelines or bylaws, including how to move forward when members cannot reach unanimous consensus.
- 4) City participation in the TMT needs to be subject to applicable Brown Act requirements.
- 5) Direct staff to convey any adopted policies to the TMT members and TMP Stakeholders.

Council comments included:

**West:** Asked City Attorney Stunich about the status of TMT meetings regarding the Brown Act.

**Stunich** stated he had concerns about the meetings, especially if Councilmembers are attending. He explained that sending Staff to a meeting or sending a Councilmember to gather information does not present any Brown Act issues. However, if a Councilmember is attending and participating it's best to be cautious and abide by the Brown Act. Stunich also stated that it was "odd" that the TMT meetings are intended to manage public property.

Public comment included:

**Richard Johnson** – Trinidad Area Resident

Question about whether the Coastal Conservancy has to abide by the Brown Act. **City Manager Berman** confirmed that the State must abide by the Brown Act, but they don't send Board members to the TMT meetings.

**Patti Fleschner** – Trinidad Area Resident

I support public TMT meetings, represented by the 7 participating stakeholders. Too many misconceptions occur when certain entities are left out.

**Dorothy Cox** – Trinidad

TMT meetings should be posted and published just like all other official City meetings.

**James Brown** – Trinidad Rancheria Council member

I support the recommendation that the team should consist of the 7 stakeholders and open to the public.

**Sarah Lindgren-Akana** – Tsurai Ancestral Society

I emailed a comment letter to the City earlier tonight. This item should be brought to the current management team for discussion. We've been working on this for 11 years, and in the process of settling an ongoing lawsuit with the City. The Council is invited to a management team meeting on March 07 – location to be announced.

**Toby VanLandingham** – Yurok Tribal Council member

I represent Hoopa district on the Council. Is the City planning to transfer the 12.5 acre Tsurai Study Area to the Yurok Tribe? How can I continue to authorize funds for our legal team to spend more time on this process if the Council is changing its mind on the transfer?

Council comments included:



**Miller:** I'm want to do everything I can to help the City avoid potential litigation. I want to find the smoothest path to resolution. The composition of the Council has changed since 2007, and the City's thoughts on this matter have matured as well. We are growing from all the additional information we've gathered, and I support the manager's recommendations. I believe this Council supports greater representation on the Management Team, open meetings, and inclusivity. Thanked Mayor Rotwein for her work and dedication to this issue.

**Ladwig:** I too support the City Manager's recommendations for the Management Team, with the goal of expanding on the work that's been done over the years.

**West:** We have a responsibility to the City to bring in all 7 stakeholders, include the public, and follow the Brown Act. I agree that it's time to make changes – for the long term - but I'd like to discuss this with the Management Team first.

**Baker:** Asked for clarification as to the role the 7 stakeholders will have in decisions. Title issues have arisen since the land transfer discussions took place. Should the Management Team be able to weigh in on boundary issues? I would like to discuss this with the Management Team before making a decision tonight.

**City Attorney Stunich** explained that General Plan Policy 69 does not give veto power to any outside or elected groups. The City owns the land and has rights as owners. The City has the final say in decisions that affect the land. However, there's a very difficult and complex legal scheme created between the 2005 Frame Settlement, Policy 69, and the Tsurai Management Plan. There is no intent to derail these agreements. The Management Team is an advisory committee to the landowner – not the decision maker. As landowner the City has the upper hand.

**Rotwein:** I've read the Management Plan, and I'm in favor of supporting the City Manager's recommendation to expand the team to include 7 stakeholders and have the meetings be open to the public. The public has been left out of these meetings for too long. Transparency is important.

**City Manager Berman** noted that what we're deciding tonight is to notify the Management Team that this is what the City "thinks" should happen. Staff believes it is important to allow the existing Management Team meeting to have a few meetings to discuss the City's position to make changes as recommended.

**City Attorney Stunich** noted that regardless of whether the Council's recommendations are accepted, it does not mean it won't participate in the process of achieving the Team goals.

*Motion (Miller/Ladwig) to support the recommendations from the City Manager listed below, adding the Trinidad Coastal Land Trust and Trinidad Civic Club to the stakeholder list, but eliminate "interested public" since the meetings are recommended to be open to the public. **Passed 3-2. No – West, Baker***

- 1) *TMT meetings should be open to the public. Where discussions of confidential information regarding cultural resources is needed, the TMT can hold closed sessions, or the key parties can meet outside of the TMT format.*
- 2) *TMT membership should be expanded to include the other three stakeholder groups listed in the TMP – The Trinidad Rancheria, Trinidad Coastal Land Trust, the Trinidad Civic Club, a representative of adjacent landowners.*
- 3) *TMT should develop and adopt some basic written guidelines or bylaws, including how to move forward when members cannot reach unanimous consensus*
- 4) *City participation in the TMT needs to be subject to applicable Brown Act requirements*
- 5) *Direct staff to convey any adopted policies to the TMT members and TMP Stakeholders*

## **XII. ADJOURNMENT**

Meeting adjourned at 8:05pm.

**Submitted by:**

\_\_\_\_\_  
**Gabriel Adams**  
City Clerk

**Approved by:**

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**Susan Rotwein**  
Mayor

**MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL**  
**THURSDAY, FEBRUARY 15, 2018**

**I. CALL TO ORDER**

- Mayor Rotwein called the meeting to order at 6:30pm. Council members in attendance: Ladwig, Miller, Baker, Rotwein. **West was absent.**
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Auditor Ralph Marcello.

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF AGENDA**

*Motion (Baker/Miller) to approve the agenda. **Passed unanimously.***

**IV. APPROVAL OF MINUTES – 01-02-18 scc**

*Motion (Ladwig/Baker) to approve the minutes as submitted. **Passed unanimously.***

**V. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**

**Miller:** HCAOG presented their audit report. Also discussed safety corridor and last chance grade.  
**Rotwein:** OES Training opportunities, Tsunami Siren application forthcoming, CalFire emergency response coordination.

**VI. STAFF REPORTS** - City Manager Berman summarized the report included in the packet, and highlighted various other accomplishments including: Luffenholtz Creek Flow Monitor reporting and Administrative Staff project completions.

**Baker:** Thanked CM for requesting parking enforcement on Ocean Ave.

**Ladwig:** Asked if flow monitor has the ability to monitor pollutants from commercial grows upstream?

**Rotwein:** Any progress communicating with County on getting referrals for commercial grow permits? Also requested follow-up with County to include the map submitted for banning grows within the Greater Trinidad Area in their regulatory process.

**VII. ITEMS FROM THE FLOOR – *No items from the floor were presented.***

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Written correspondence included:**

**Jonna Kitchen – Trinidad**

Submitted a letter requesting Ladwig and Rotwein should reconsider recusing themselves from discussions related to STR's.

**VIII. CONSENT AGENDA**

1. Staff Activity Report for January 2018
2. Law Enforcement Report for January 2018
3. Financial Status Reports for December 2017.
4. Authorize PARSAC grant application and contract for Personnel Handbook Update
5. Authorize Staff to Submit 2018 Measure Z Grant Application.
6. Authorize HCOAG grant application for Little River Trail Project
7. Adopt Humboldt County Local Agency Management Plan re OWTS
8. Consider Safety Bonus Award

*Motion (Miller/Ladwig) to approve items 1-7, and pull 8 for discussion. **Passed unanimously.***

**City Manager Berman** explained that the Safety Bonus Award is intended to be a one-time award to Staff in recognition of a clean safety record.

**Rotwein** explained that the expense is intended to come from a different source than the budgeted money approved for salary increases this year.

*Motion (Miller/Baker) to approve the Safety Bonus Award as recommended by the City Manager; \$500 for Public Works/Water Dept., and \$250 for Clerk and Grant Manager. **Passed 4-0.***

**IX. DISCUSSION/ACTION AGENDA ITEMS**

**1. Receive 2017 Audit Presentation and Accept 2017 Audited Financial Statements.**

City Auditor Ralph Marcello thanked the Council for the opportunity to perform the audit, and noted that the City Clerk was very cooperative and prompt in providing the documents and audit evidence examined. He explained the process and what the audit is intended to do. He also noted that the financial records were in excellent order. He presented the audit process, background, and document in the following highlights:

- The audit was performed on the City's financial statements.
- Explained GASBY and various other audit standards.
- Explained importance of segregation of duties, and the role of a Treasurer.
- Complimented the City for savings and designating reserve funds.
- Regarding the Water Fund, reserves should equal depreciation.
- Recommended an endowment fund for the cemetery
- Regarding Salary Increases, The City's step Increase scale should include periodic COLA adjustments.
- Explained the Financial Statements in detail.

Council questions included:

**Rotwein:** How does the Trinidad's budget document compare to other cities you've seen? Is Trinidad's cash investments better than last year? Are we in compliance with COPS, Measure Z, or other grants? Were we able to use Measure Z funds for Firehouse? Are we in compliance with the Harbor Fund? **Marcello** explained that the budgets are difficult to read and have formatting, orientation, and content issues. Regarding investments, the City did not transfer a large cash account balance into interest bearing accounts this year. Regarding COPS, Measure Z, some changes should be made for clarity purposes. **City Manager Berman** responded to the Firehouse and Harbor Fund questions.

*There were no public comments.*

*Motion (Miller/Ladwig) to accept the 2017 Audit as submitted by Marcello & Company. **Passed 4-0.***

**2. Receive Mid-Year Budget Presentation**

City Manager Berman explained and summarized various city funds in relationship to the halfway point in the fiscal year.

Council comments included:

**Rotwein:** Is there any timeline for creating an inventory of the City's infrastructure and replacement schedule? Also, I'd like a report back from the City Manager on the money allocated for merit increases and pay step extensions.

*There were no additional Council or public comments.*

**3. Consider Developing RFQs for Engineering and Planning Professional Services**

City Manager Berman explained that the City is working under various state grants that have very specific procurement requirement the grantee must follow. For some of these grants, those requirements include the City demonstrating that all contractors, including the City Planner and City Engineer services, have been selected through an open Request for Qualifications process within the last five years.

This requirement is consistent with generally accepted best practices that Cities procure outside consultants for engineering, architectural and planning services through publication of a Request for Qualifications (RFQ) in a competitive Qualifications Based Selection process. The RFQ can be project specific or for procuring general services (such as City Engineer and City Planner).



For contracting with consultants (e.g. engineering and planning) on projects funded by Caltrans (state and or federally funded), the City must either adopt the Caltrans Local Assistance Procedures Manual (LAPM) Chapter 10 Consultant Selection or get approval of the City's procedures by Caltrans. Staff recommends adoption of the LAPM Chapter 10 to guide procurement processes for the Van Wycke Trail grant and other applicable grant projects.

In order to satisfy current and upcoming grant requirements, and as a matter of general policy, staff recommends that the City initiate a Request for Qualifications process for our City Engineer and our City Planner services. The intention would be to enter into one or more task-based professional service contracts with individuals or firms to provide general planning, engineering, surveying, environmental and construction management services. Services may include assistance with future State, Federal and locally funded projects, as well as project management, project review, consultation and design services. Additionally, the submitted Statements of Qualifications on file with the City could be used to procure services as needed throughout the year.

The process would begin with identifying and defining the need for consultant services, developing scopes of work and schedules, then drafting and releasing RFQs for Engineering Services and for Planning Services. Staff would return to Council with recommendations for a consultant selection committee and other actions necessary to complete the selection process according to state and federal requirements.

*There were no comments from the Council or public.*

*Motion (Ladwig/Miller) to a) adopt Caltrans Local Assistance Procedures Manual, Chapter 10 Consultant Selection as City procedure for applicable state and federally funded projects, and b) Direct staff to develop a schedule for engineering and planning consultant selection, and develop and release Requests for Qualifications for Engineering Services and for Planning Services. Passed 4-0.*

**X. REQUEST FOR FUTURE AGENDA ITEMS**

**Miller:** Include STR updates in staff reports.

**Rotwein:** Investment Policy review as needed.

**XI. ADJOURNMENT**

Meeting adjourned at 8:35pm.

**Submitted by:**

**Approved by:**

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**Gabriel Adams**

City Clerk

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**Susan Rotwein**

Mayor

**MINUTES OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, FEBRUARY 28, 2018**

**I. CALL TO ORDER**

Mayor Rotwein called the meeting to order at 6:00 pm. Council members in attendance: West, Ladwig, Rotwein, Miller, Baker. City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. CLOSED SESSION**

1. Conference with legal counsel regarding active litigation. Tsurai Ancestral Society vs. City of Trinidad. Pursuant to California Government Code section 54956.9 (a)

**IV. CLOSED SESSION REPORT**

City Manager Berman stated that Staff will pursue legal assistance on this matter.

**V. APPROVAL OF AGENDA**

Motion (Miller/Ladwig) to approve the agenda as amended, pulling 1&2 for discussion. **Passed unanimously.**

**VI. APPROVAL OF MINUTES – 01-17-18 scc, 01-24-18 cc2, 01-30-18 scc**

Motion (Ladwig/West) to approve the 01-17-18 minutes as corrected. **Passed unanimously.**

Motion (Miller/Ladwig) to approve the 01-24-18 minutes as corrected. **Passed unanimously.**

Motion (Ladwig/Miller) to approve the 01-30-18 minutes as written. **Passed unanimously.**

**VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**

**West:** STR Committee report will be ready by March 14.

**Baker:** Nothing to report.

**Miller:** RCEA – Community Choice Energy program is working better than expected. RCEA looking to team up with a partner to apply for State and Fed Dept. of Energy funds to develop an offshore wind power feasibility study.

**Rotwein:** Met with Trinidad Rancheria regarding the Galindo Trail. Also met with sport and commercial fishermen regarding wind power project. Trails meeting on 2/27/18 to discuss memorial bench policy.

**Ladwig:** HTA – Modest increase expected this year. First increase in 4 years.

**VIII. STAFF REPORTS**

City Manager Berman's written staff report was included in the packet. Various highlights included 1) ADA door and new website.

**IX. ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Kathleen Lake - Trinidad**

Requested an appeal hearing for the STR permit at 381 Ocean Avenue. Disagreed with the decision made by the Planning Commission last year. I've been trying to get this on an agenda. The Planning Commission's conclusions were never followed up on. The City Manager and Attorney's opinions are inconsistent. I would like our appeal to be on a future Council agenda.

**Bert Kilborne – Trinidad**

178 Parker Creek resident. Participated in the Reinman STR violation appeal hearing on January 30, and am here tonight on my own accord. We have taken many positive steps toward improving our processes, and continue to work to improve communication with neighbors.

**Shirley Laos – Trinidad Rancheria**

Regarding offshore wind energy, RCEA has reached out to Tribal governments. No Tribe has surrendered its inherent rights to the ocean, but the Rancheria has not formally responded to the proposal yet.

**X. CONSENT AGENDA**

**1. Short-Term Rental Status Report - Pulled from consent. Discussion item 1.**

City Manager Berman explained that the Council requested at the February 15<sup>th</sup> meeting that staff develop a summary STR status report. An initial version of that report was included in the packet. The report identified the number of licenses issued this year, types of licenses, licenses by zone, effects of ordinance implementation, complaints, septic permits and water use, and contact information updates. A City Council ad-hoc STR committee is planning to provide a more detailed STR report and recommendations as a discussion agenda item at the March 14th City Council meeting.

Public comment included:

**Kathleen Lake – Trinidad**

Saving Trinidad Neighborhoods believes the report is misleading and requests that the Council reject it. There are at least 12 complaints with no follow up. We want water data, exception lists, over-occupancy issues, and meet-and-greet issues identified. Complaints are handled differently in each city office. We want a more comprehensive report.

**Kim Tays – Arcata**

Concerned with STR water use and disagree with the data and statistics presented.

City Manager Berman explained that a future agenda item will be presented that will include water usage data.

*There were no Council comments.*

*Motion (Miller/Baker) to accept the summary status report as written. **Passed unanimously.***

**2. View Restoration Request on Van Wycke Street**

City Manager Berman explained that two clumps of alder trees growing in the Van Wycke St. right of way are impacting the view of the upslope neighbors. This area is within the City's Views and Vegetation Ordinance. The neighbors have asked the City to address the view impacts, and offered to pay for the work. The City has requested and received 1) a survey map verifying the location of the trees on the street right of way, 2) a letter from an engineering geologist stating that removal will have no significant impact on bluff stability, and 3) a biological assessment addressing environmentally sensitive habitat. Only trees that are less than 12 inches in diameter are being authorized for removal. The trees are likely to be removed eventually as part of the Van Wycke Trail project.

City staff, in consultation with Coastal Commission staff, have determined that as conditioned, this vegetation work does not constitute 'major vegetation removal' and therefore does not require a Coastal Development Permit. Staff have drafted a letter to the neighboring property owners that would authorize them to go ahead with tree removal and trimming, with specific conditions to minimize impacts. This is within staff's discretionary authority, but given the sensitivity of vegetation management and viewshed protection issues, staff chose to place it on consent to provide the public a chance to comment, and to provide the Council the option to consider the matter further.

Council questions included:

**West:** Have the Tribal entities been notified and consulted? **City Manager Berman** stated that he notified them in writing.

Public comment included:

**Kathleen Lake – Trinidad**

Concerned with trespassing issues. Lots of cypress debris will impact slope stability. Has staff worked with the Coastal Commission? How many trees? What size? Is there a map of the trees to be removed? When will the cutting occur?

**Richard Kieselhorst – Trinidad**

I was a landscaper for 20 years. Alders on bluff edges should be cut. If they get too big they fall and rip out the soil which causes further erosion and damage to the bluff.

**Steve Ruth – Trinidad**

After watching the view disappear over 20 years, I'm happy to see this project and support it.

**Kim Tays – Arcata**

I do not support this project. Habitat values are being ignored. I disagree with the botanist's evaluation of the habitat, and I'm opposed to removing alder trees. Some of us like the trees in the viewshed. Falling trees on the ESHA will harm the area. Cutting trees encourages blackberries and pampas grass to take over. This needs to go through the full permit process, even though the city's policies don't require it to.

**Marc Gottschalk – Trinidad**

807 Edwards homeowner. Bought the property 18 months ago. The trees are within the view ordinance, and they're being ignored. We hired a surveyor, a botanist, and a geologist to make sure this was done right. We're paying for everything, and the neighboring property owners have agreed to it. We would like to get this done soon.

**Jacque Hostler – Trinidad Rancheria**

I don't believe we had a chance to review this proposal yet. CM Berman explained that he sent the information to Rachel Sundberg.

**Sungnome Madrone – Trinidad Area Resident**

I recognize the importance of views. I used to trim trees on the Van Wycke slope. The View Ordinance was never intended to target native vegetation. I don't recommend complete removal. Trimming ok. Concerned with the precedent being set.

Council comments included:

**Miller:** Appreciate the homeowner's work and contributions on this project. Also appreciate Kieselhorst and Madrone's comments.

**West:** Would like responses from the Tribes and more details on exact trees in question. I don't want the project approved and the cutting to increase beyond what was proposed.

*Motion (Miller) to authorize staff to send the attached letter allowing vegetation management for viewshed protection in the Van Wycke Street Right of Way. **Motion failed due to lack of second.***

*Motion (Ladwig/West) to table this item for 1-month to give the Yurok Tribe and Trinidad Rancheria an opportunity to provide input on the proposal. **Motion amended.***

*Motion amended (Miller/Ladwig) to require input to be received within 3 weeks, on or before the second regular meeting in March to be held on Wednesday, March 28. **Passed 4-1. No-Rotwein.***

## **XI. DISCUSSION/ACTION AGENDA ITEMS**

1. Presentation/Discussion regarding the Trinidad Rancheria Hwy 101 Interchange Project

City Manager Berman explained that the Cher-ae Heights Indian Community of the Trinidad Rancheria is working to advance a transportation project that proposes a new freeway interchange onto Hwy 101 from the Trinidad Rancheria properties. The project is still in the planning stages. The Rancheria will make a presentation for the Council and community about the reasons for the project, it's current status, and next steps.

**Jacque Hostler**, Executive Director of the Trinidad Rancheria thanked the Council for the opportunity and introduced Tribal Council Vice-Chairman Zach Brown. Hostler presented a slideshow that included the Rancheria's mission statement, their history, improving access, their 6-year focus, and alternative access improvement options considered.

Public comment included:

**Sam Mantakala – Baker Ranch Road**

How would any of your options help the Baker Ranch Road residents?

**Richard Kieselhorst – Trinidad Area Resident**

45-year resident of Westhaven Drive. The last time I attended a Rancheria interchange meeting, the land being considered was near my house and there were threats of eminent domain being used to obtain the land needed. Has that changed?

**Sungnome Madrone** – Trinidad Area Resident

45-year resident of the Trinidad area. I understand the Rancheria's needs. In order to build a hotel, many improvements to water, sewer, and transportation infrastructure are needed. A hotel might not be feasible. I appreciate the Rancheria, but this feels like the cart is being put before the horse. This project does nothing for Stagecoach Road or Scenic Drive. In the 1960's the 101 freeway split the community in half. Cars were required to get to the beach. HCAOG should be using tax dollars for area-wide circulation issues, not just for the Casino.

**Margie Eckart-Kieselhorst** – Trinidad Area Resident

Westhaven Drive is already unsafe. The road needs help. When do we take a step back and evaluate the impact this project could have?

**Steve Ruth** – Trinidad

I don't see any benefit to the City.

Written correspondence was received from resident **Bryce Kenny** opposing the project.

**Jacque Hostler** – Trinidad Rancheria

Welcomed anyone from the public to meet with her and discuss their concerns and alternatives that will all be addressed during the environmental phase of the project that will hopefully be funded through HCAOG.

**Shirley Laos** – Trinidad Rancheria

I'm a 60 year resident of Trinidad. Failures on both ends of Scenic Drive would be catastrophic. Comments made should be answered in the proper context. We welcome anyone interested in discussing their concerns. Building a hotel is not the objective for requesting the interchange.

*Presentation item only. No decision made.*

2. Discussion/Decision regarding Resolution 2018-01; A Resolution Promoting Unity and Cooperation Between the City of Trinidad, the Yurok People, and the Tribal Governments within the Greater Trinidad Planning Area.  
City Manager Berman explained that the City, through this resolution, seeks to document and formalize the cooperative effort that led to the resolution of the conflict over the emergency move of the Trinidad Memorial Lighthouse, and to affirm the City's commitment to working together with the Yurok People and the tribal governments of the area. This resolution has been revised from the draft discussed at the January 24<sup>th</sup> meeting to reflect input from the Yurok Tribe.

Public comment included:

**Zack Brown** – Trinidad Rancheria Vice Chairman.

The City did not meet with the Rancheria to discuss the changes made to the Resolution. Why were they made, and why was the Rancheria not consulted? We supported the Resolution as originally proposed, but request that the City discuss this with us prior to approval. Rancheria Executive Director **Jacque Hostler** agreed.

There were no Council comments.

*Motion (Rotwein/Miller) to table the Resolution until a government-to-government meeting is held with the Rancheria. **Passed unanimously.***

3. Discussion/Decision regarding Resolution 2018-03; In support of the Healthy California Act, CA SB 562, Establishing Universal Single-Payer Health Care Coverage program and Cost Control System.  
Councilmember Miller read the Resolution aloud, and explained that the proposed resolution is a statement of support for legislation being advanced in Sacramento that would establish a single payer health care system for all California residents. The City does not have data on the insurance status of Trinidad residents, but it is reasonable to assume that there are Trinidad residents who are uninsured and underinsured who would benefit from improved access to health care in a universal single payer system. Medical insurance premiums make up a significant portion of the City's total personnel costs, totaling approximately \$95,000 in the current year's budget. A universal single payer system would likely save the City much of this funding which could then be available for other City services.



SB 562 would likely go through many revisions and iterations on a path to becoming law.

Public comment included:

**Dick Bruce** – Trinidad

I would like to see the City support a more concise Resolution. Move the program forward, but the Resolution is too far reaching for me.

**Katherine Donahue** – Program supporter

The Resolution is perfect. This is an important issue. People need access. The bill is on hold and the Resolution encourages lawmakers to move it forward. Money fills insurers pockets, not the citizens.

**Gail Kenny** – Trinidad

I support this program. My daughter is paying a lot for Covered California. There are too many coverage limits and this program will eliminate all the issues.

**Program supporter**

This is a well articulated Resolution. I worked for UIHS for 23 years, and am at HSU now. I like seeing the potential savings for the City if this program was implemented. It's a win-win situation for everyone except big insurance and big pharmacy.

**Pat** – Program supporter.

Supports the Resolution and hopes it pressures lawmakers to get the bill off the shelf and act on it. I'm a career nurse taking care of insurers, not patients. Thanked the Council.

**Kathleen Lake** – Trinidad

Supports the bill.

**Richard Kieselhorst** – Trinidad VFD

Supports the bill.

Council comments included:

**Rotwein:** I'm a career health care provider. I agree with Dick Bruce. Too many specifics in this Resolution.

*Motion (Miller/Ladwig) to approve Resolution 2018-01 in support of SB 562. **Passed 4-1. No-Rotwein.***

4. Discussion/Decision regarding First Reading of Ordinance 2018-01; Amending Section 12.12.030 and 040 of the Trinidad Municipal Code allowing Leashed Dogs on Trinidad Head.

City Manager Berman explained that current City Code prohibits dogs on Trinidad Head. This rule has not been enforced. In fact, signage on the trail indicates dogs are allowed on leash. Staff is not sure if this was ever enforced. It certainly has not been for many years.

The Trinidad Head Trails Committee has reviewed this situation and recommends that the City modify the existing ordinance to allow dogs on leash on the Trinidad Head trail. This would be consistent with the current regular use of the Trinidad Head Trails, and is therefore not anticipated to result in any change in impact or use of the Head.

At the regular meeting on January 24, 2018, the City Council directed staff to develop an Ordinance that would allow dogs on leash on the Trinidad Head roads and trails.

A Draft Ordinance is recommended for a first reading tonight.

Public comment included:

**Kathleen Lake** – Trinidad

Dogs are off-leash on all the trails. I've been bitten before. How will it be enforced?

Council comments included:

**Rotwein:** I asked the Sheriff to enforce and cite off-leash dog owners. Citations have been issued.

*Motion (Rotwein/West) to 1) accept Public Comment on this issue, 2) waive the Reading of the Full Text of the Ordinance, and 3) Conduct the First Reading of Ordinance 2018-01: An Ordinance of the City Council of the City of Trinidad Amending Section 12.12.030 and 12.12.040 of the Trinidad Municipal Code Regarding Dogs on Trinidad Head. **Passed unanimously.***

5. Discussion/Decision regarding Appointing an Ad-hoc Council Committee to Develop a Trinidad City Council Policies and Procedures Manual

City Manager Berman explained that the Council has expressed interest in defining and codifying 'Best Practices' for the City Council. Staff recommends that the Council consider addressing this through development of a City Council Policy and Procedures Manual. This manual would collect and organize existing City Resolutions and Ordinances governing the work of the Council, as well as applicable State law including the Ralph M Brown Act and various conflict of interest laws. Developing this Manual would provide an opportunity for Council to consider modifying existing policies or developing new policies as necessary for the efficient and effective functioning of the Council. It would also serve as a valuable orientation handbook for new members of the Council.

Specific issues that have arisen in recent years that such a Manual could help clarify include questions about the Brown Act, process and authority for setting agendas, legal guidance regarding conflict of interest concerns, parliamentary procedures for conducting meetings, and public process and notice requirements for Ordinances and Resolutions.

This project would require significant staff effort as well as effort of the appointed Council members. In order to spread that work out, staff expects it would likely take a minimum of three months for the Committee to come back to Council with a draft for consideration.

Public comment included:

**Shirley Laos** – Trinidad Rancheria

Suggested that the manual address types of consultation with Tribal governments.

Council comments included:

**Miller:** It should also address procedures for setting agendas, changing agendas, and may take a year or so to complete. Volunteered to serve with another Councilmember to develop these procedures.

**Ladwig:** Volunteered to work with Miller.

*Motion (Rotwein/West) to authorize Councilmembers Miller and Ladwig to develop the policies and procedures manual and bring the draft back to the Council when complete. **Passed unanimously.***

**XII. FUTURE AGENDA ITEMS – None listed.**

**XIII. ADJOURNMENT: 8:30 pm**

**Submitted by:**

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**Gabriel Adams**  
Trinidad City Clerk

**Approved by:**

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**Susan Rotwein**  
Mayor



## **CONSENT AGENDA ITEM 1**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      5 PAGES**

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1.      Staff Activity Report for February 2018



*Susan Rotwein, Mayor*  
*Dan Berman, City Manager*

## STAFF ACTIVITIES REPORT

For Council Meeting of March 14<sup>th</sup> 2018

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### City Administration:

**Annual Audit** – Complete

**Trails Advisory Committee-** Recommendation re: dogs on Trinidad Head is being implemented. Committee is working on Memorial bench policy.

**OWTS Permits** - Staff and the City Planner are completing an updated current OWTS database, following up with quadrant 1 & 2 properties, and preparing to request information for owners in quadrant s 3 & 4 with the goal of issuing these permits by May.

**Law Enforcement Service** – The Sheriff's Office has assigned Deputy Nate Cumbow as our additional half time deputy position supported with Measure Z funds. He started on January 14<sup>th</sup> – see the Jan 24<sup>th</sup> meeting agenda item. Staff have applied for next year's Measure Z grants.

**Trinidad Rancheria Efforts to put the Harbor Property in Federal Trust Status.** The City requested an update from the Bureau of Indian Affairs and was informed that BIA is still working on responses to the comment letters received. No timetable for next steps was provided, but the City and other commenters are on the notification list for this project.

### **Trinidad Rancheria Highway 101 Interchange Project**

The Rancheria made a presentation about the status of this project at the February 28<sup>th</sup> City Council meeting.

### **STR Ordinance**

The revised (2016) Ordinance is now in effect. 27 STR licenses have been issued. The UR zone is near its cap (21 licenses, cap of 19). The SR zone is below the cap. The new ordinance has resulted in at least three licenses going away upon property sales, and the number of guests in the UR zone has come down by 26 due to lower allowed occupancy. Enforcement and administration of the Ordinance is an action discussion item at this (Mar 14<sup>th</sup>) meeting.

### **Tsurai Study Area Settlement and Land Transfer.**

A draft settlement and land transfer was conditionally approved by Council in December 2016. Additional agreements were deemed necessary because of prior legal settlements involving multiple state agencies. Efforts to resolve this complication and complete the settlement and land transfer are ongoing.

## Planning

**Cell Towers** – Verizon expects to be at our next (March 28<sup>th</sup>) meeting with a presentation to request that the Council reconsider their decision to terminate the lease on Trinidad Head. AT&T has contacted the City to discuss whether there is any space at the Trinidad Cemetery for a cell tower. (AT&T was/is also using the Trinidad Head tower)

**Memorial Light House** – The Memorial Light House and Bell have been successfully moved to a new temporary location at the Trinidad Rancheria Harbor Properties under an Emergency Permit. The Civic Club will be working with the City on a regular 'follow up' permit for this work, including clean up at the former site. The Civic Club, after a community meeting, have decided that the permanent home will be at the Rancheria, and other Stakeholders have

**General Plan/LCP Update**- Planning Commission has completed review and provided comment on the existing draft Plan chapters. The City Planner is updating the older elements with current information and the Planning Commission's input prior to it going back to them. Staff is working with the Trinidad Rancheria and Yurok Tribe to get their input on the entire general plan and to finalize the draft Cultural Element. The City was awarded \$51,000 in additional grant funding from the Coastal Commission's LCP Update Grant Program to complete coastal hazards planning and a water supply assessment as well as update the Local Coastal Program Implementation Plan.

**Unpermitted Development** – The City is working with the Coastal Commission and a Scenic Dr. landowner to resolve problems related to shoreline armoring efforts that were undertaken without permits. Final notices before Nuisance Abatement proceedings have been sent.

### **View Restoration Permit process for Van Wycke St.**

The City is engaging with the new owners of the property to try and expedite a resolution to this longstanding dispute.

### **CalFire Water Line Extension**

The City has approved the LCP/General Plan amendment process required for this. CalFire will be returning soon with an application to the City (and County) for the CDP and other necessary permits for the physical construction of the water line.

**Marine Lab Cypress Tree** HSU has provided an arborist report recommending removal of this tree. They are working with State Parks as the underlying landowner. A permit application to the City for removal of the tree is expected



## WATER SYSTEM

### **Install Streamflow Monitoring on Luffenholtz Creek (Water Fund)**

This is complete, with flow monitoring being conducted to calibrate the automated monitoring system. The data can be viewed at the following link, soon to be on the City Website: <https://m2x.att.com/dashboards/shared/483d35e70ccd5170cf6646115b13a19d?>

**Resolving Title at Water Plant** The Water Plant was built on the old County road right of way, and that has never been cleaned up. The County has indicated they are open to helping us resolve this.

**Asset Management System** –New Asset Management software is configured and installed at the Water Plant, and is already populated with data about many key components and maintenance of the Water Plant. The program is up and running and staff is now using this for the maintenance scheduling and recordkeeping. The next step will be using the water quality module to complete the next round of water quality reporting for the State and the annual Consumer Confidence Report.

**Facilities Maintenance Budget** – Staff are working to develop a long term facilities maintenance budget for the regular maintenance and replacement of our key buildings and infrastructure. The Asset Management System will help staff develop long range plans for future replacement of critical assets and to prioritize our long term maintenance and replacement efforts.

**Water accountability** – Through meter replacement, identifying and addressing leaks, accounting for plant process water, and metering previously un-metered services, staff continue audit and reduce water loss. Recently staff have identified and fixed several leaks in the distribution system. Staff have also identified numerous leaks on the property owner's side and coordinated with the appropriate party to facilitate the necessary repairs.

**Water Distribution System** - Two pressure reducing valves which are critical components that regulate water system pressures in the lower part of town have been rebuilt and are functioning properly. The fire hydrant in the State Beach parking lot off Stagecoach Rd. has been rebuilt, and is now the primary source for commercial water trucks, removing that activity from Parker St.

## PUBLIC WORKS

**City Contracting Requirements.** As the Grant and Project Coordinator for the City, Becky is often assigned to develop public works and water system bid solicitations and contracts. Staying in compliance with California Public Contract and Labor Codes can be challenging and time consuming. Becky attended a seminar 'Public Contracting Requirements and Competitive Bidding' last week in San Jose to keep up to date about

regulations and best practices for completing the different phases of the public works construction process. The registration fee included a manual that will be a useful reference for City Staff.

**Trinidad Head Trail Maintenance** – City staff worked with a Calfire CDCR crew to implement trail vegetation and view maintenance around Trinidad Head.

**Ground Water Level Monitoring** – City staff is working with the City Engineer to collect data from water level loggers in existing monitoring wells as well as from the barometric pressure logger (deployed on September 28). The information will be used to support decisions about the Memorial Lighthouse, the Van Wycke Trail project, the Ocean Protection funded LID Planning and Construction Project and future storm water improvement projects.

**Town Hall ADA Improvements.** A push button automatic door opener has been approved and should be installed shortly. A complete ADA assessment of the Town Hall has been conducted and the results should be available soon.

**Trinidad Library/Saunders Park ADA Improvements.** A county review of ADA compliance issues in and around the library was recently completed. Council approved funding for the initial priority improvements and the project is currently out for bids.

**Firehouse Expansion – Complete.**

**City MS4 Permit Compliance and Reporting** – City staff completed and submitted the Permit Year 4 online report on October 16 for the Municipal Separate Stormwater Sewer (MS4) Discharge Permit. MS4 Permit coverage is required due to the City's storm water discharge into the Trinidad Bay Area of Special Biological Significance (ASBS). Complying with the permit requirements is costly and time consuming and involves all City staff, the planner, the city engineer, and building official. The average permit compliance costs (not including monitoring) is approximately \$17,000 annually and \$85,000 for the 5 year permit term. In addition, once during each permit cycle, extensive water quality monitoring is required. For the current permit cycle, the City spent \$235,000 for a subset of the monitoring and reporting. The City was able to fund most of the monitoring costs through the prior ASBS Storm Water Project Grant, however additional monitoring requirements were conducted and paid for by the State Water Boards. The City is supposed to conduct another suite of monitoring under our next permit cycle (FY 18-19 or FY 19-20) unless we can either roll those costs into upcoming grants, or convince the State to let us forego the monitoring in lieu of our efforts to eliminate our stormwater discharge.

## **GRANTS –**

**ASBS Storm Water Management Improvement Project** – This proposed project will construct storm water drainage system improvements to improve ocean water quality by eliminating the storm water discharge into the Trinidad Bay. In December 2016, the City

was awarded \$4 million in Prop 1 Storm Water Grant Program (SWGP) funds for this project by the State Water Quality Control Board. City staff have been working to secure the 10% match funding. The City is in the process of applying to USDA for approximately \$450,000 in matching funds. Staff worked with the Project Engineer to develop and submit a revised Project Scope of Work, Schedule and Budget to Storm Water Grant Program staff for approval as the next step to enter into a Grant Agreement for the Storm Water Management Improvement Project. The Project Engineering Report has been submitted to USDA for review. NEPA documentation is the remaining step to complete the City's funding application to USDA for the project match funds.

**Van Wycke Trail** – (Grant Funded) – City Planner is working on the CEQA document. The project is waiting for that document to move forward.

**Clean Beaches Initiative OWTS Repair/Replacement Grant** – There has been no activity on this grant during the last month. Eleven OWTS have been upgraded through this grant program to improve water quality in creeks and at beaches in the Trinidad and Luffenholtz area. A 12<sup>th</sup> project is in the planning stages. Project staff will begin planning additional outreach to encourage OWTS owners in the priority areas of Parker, Luffenholtz and Joland Creeks to get their systems inspected and, if their system needs repairs, to apply to the Clean Beaches OWTS program for funding assistance.

**Ocean Protection Council funded Citywide LID Planning and Construction Project** Project Construction of LID improvements on East and Hector Streets is on hold. City staff and the City Engineer are working with the Grant Manager to revise the scope and budget to allow the project to go out to bid again early in 2018. The Education and Outreach components of the project will be eliminated with the corresponding budget moved to construction.

**FEMA storm damage reimbursement.**

FEMA has reimbursed the City for our costs for the Scenic Dr. stormdrain repair, as well as funding to complete additional repairs needed. FEMA has indicated that they are likely not to provide any funding for the Edward St/Lighthouse slide, as they consider it to be a pre-existing condition rather than wholly caused by the specific storm event.

## **BUILDING DEPARTMENT**

The former Church at the base of Westhaven Dr. has been red-tagged with a stop work order for failure to implement required building permits. Staff are pursuing the next steps to enforce the stop work order, including potential initiation of a nuisance abatement process.

Routine review of plans and specs for construction in town is ongoing.

The Building Inspector has completed STR checklist inspections for all new/renewal STR applications.



## **CONSENT AGENDA ITEM 2**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      1 PAGES**

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2. Law Enforcement Report February 2018

**ACTIVITY REPORT  
TRINIDAD  
BY DEPUTY LUKE MATHIESON**

**02/01/2018 – 02/28/2018**

- Regular patrols at Hidden Creek. Continuing to address the problems within the park.
- Conducted numerous vehicle investigations and citizen contacts.
- Worked with casino regarding ongoing issues and locating/arresting wanted persons.
- Conducted regular patrols for subject(s) sleeping at night outside of the library.
- Conducted numerous traffic stops, cites and warnings issued
- Vehicle abatement around the City of Trinidad, multiple parking citations issued.
- Continuing investigation and building probable cause for search warrants for multiple problem houses.
- Conducted proactive searches of the wood areas around Trinidad area to prevent homeless camps
- Continued patrol checks along Scenic Drive to prevent vehicle burglaries.
- Continue to see a raise in driver's without licenses in the Trinidad area.
- Multiple vehicle investigations at Luffenholtz County Park, over a course of a week, large amounts of methamphetamine, heroin, and an expandable baton have been seized, total of three subjects have been transported to jail.
- Assisted State Parks and National Parks conduct three separate search warrants at three different Trinidad area homes, search warrants stem from the burglary of a State Park's shed where multiple chain saws were stolen. The saws have yet to be located.
- Investigated the report of a domestic violence on Stumptown Road. Victim was uncooperative with investigations, report taken for documentation.
- Located a male subject on probation traveling through Trinidad, conducted a search of his vehicle, located an ounce of heroin and evidence of drug sales, male was transported to jail for possession of a narcotic for sales.
- Assisted county code enforcement with a additional search warrant of 473 Quarry Road. Code Enforcement continues their investigation into "Yeehaw".





## **CONSENT AGENDA ITEM 3**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      8 PAGES**

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3. Financial Statements January 2018

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Revenue  
From 1/1/2018 Through 1/31/2018

	Current Month	Year to Date	Total Budget - Original	% of Budget	
Revenue					
41010	PROPERTY TAX - SECURED	0.00	0.00	90,000.00	100.00)%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,300.00	100.00)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	50.00	100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	600.00	100.00)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00	100.00)%
41071	MOTOR VEHICLES	0.00	0.00	1,000.00	100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	1,300.00	100.00)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,600.00	100.00)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	2,000.00	100.00)%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	0.00	(1,500.00)	100.00)%
41200	LAFCO Charge	0.00	0.00	(1,750.00)	100.00)%
41220	IN LIEU VLF	0.00	0.00	28,600.00	100.00)%
42000	SALES & USE TAX	26,709.73	123,105.79	240,000.00	(48.71)%
43000	TRANSIENT LODGING TAX	17,620.73	80,917.96	150,000.00	(46.05)%
43100	TRANSIENT LODGING TAX-TBID	0.00	0.00	(15,600.00)	100.00)%
46000	GRANT INCOME	0.00	0.00	100,000.00	100.00)%
46100	Measure Z Grant Income	0.00	0.00	75,000.00	100.00)%
47650	RECYCLING REVENUE	0.00	532.95	0.00	0.00)%
49090	DONATIONS/FUNDRAISING/GRANTS	0.00	5,000.00	0.00	0.00)%
53010	COPY MACHINE FEE	0.00	46.00	50.00	(8.00)%
53020	INTEREST INCOME	1,914.93	4,410.96	5,000.00	(11.78)%
53090	OTHER MISCELLANEOUS INCOME	62.23	1,806.27	1,000.00	80.63)%
54020	PLANNER- APPLICATION PROCESSIN	0.00	1,650.00	8,000.00	(79.38)%
54050	BLDG.INSR-APPLICATION PROCESSI	453.75	9,019.35	9,000.00	0.22)%
54100	ANIMAL LICENSE FEES	0.00	45.00	200.00	(77.50)%
54150	BUSINESS LICENSE TAX	800.00	18,057.00	7,500.00	140.76)%
54170	VDU License Fee (Vacation Dwelling Unit)	0.00	0.00	9,000.00	100.00)%
54300	ENCROACHMENT PERMIT FEES	50.00	150.00	400.00	(62.50)%
56400	RENT - VERIZON	2,206.88	15,452.51	24,000.00	(35.61)%
56500	RENT - HARBOR LEASE	9,970.00	9,970.00	5,135.00	94.16)%
56550	RENT - PG& E	0.00	0.00	9,500.00	100.00)%
56650	RENT - SUDDENLINK	1,645.97	3,343.47	3,800.00	(12.01)%
56700	RENT - TOWN HALL	125.00	3,535.00	7,000.00	(49.50)%
57200	Water Sales - Wholesale	0.00	720.00	0.00	0.00)%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	100,000.00	100.00)%
	Total Revenue	61,559.22	277,762.26	864,385.00	(67.87)%

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
201 - GFAdmin  
From 1/1/2018 Through 1/31/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	200.00	1,400.00	3,500.00	60.00%
61000	EMPLOYEE GROSS WAGE	12,311.99	63,621.81	106,719.00	40.38%
61470	FRINGE BENEFITS	69.24	369.28	600.00	38.45%
65100	DEFERRED RETIREMENT	1,332.49	7,024.49	11,345.00	38.08%
65200	MEDICAL INSURANCE AND EXPENSE	1,443.17	8,614.99	13,099.00	34.23%
65250	Health Savings Program	13.98	78.36	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	3,318.45	3,415.00	2.83%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	0.00	109.39	500.00	78.12%
65600	PAYROLL TAX	1,045.86	5,417.28	9,032.00	40.02%
65800	Grant Payroll Allocation	(612.50)	(1,067.50)	(1,880.00)	43.22%
68090	CRIME BOND	0.00	487.50	520.00	6.25%
68200	INSURANCE - LIABILITY	0.00	10,645.70	11,050.00	3.66%
68300	PROPERTY & CASUALTY	0.00	4,156.10	4,875.00	14.75%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	10,000.00	100.00%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71160	ACCOUNTING	0.00	798.23	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	2,494.75	3,000.00	16.84%
71300	CITY PLANNER-MEETINGS	0.00	3.50	0.00	0.00%
71310	CITY PLANNER-ADMIN. TASKS	7,334.05	39,064.63	48,000.00	18.62%
71410	BLDG INSPECTOR-ADMIN TASKS	620.00	7,105.65	6,000.00	(18.43)%
71420	BLDG INSPECTOR-PERMIT PROCESS	0.00	0.00	10,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	2,834.55	8,884.48	14,500.00	38.73%
71620	AUDITOR-FINANCIAL REPORTS	8,840.00	8,840.00	15,000.00	41.07%
72000	CHAMBER OF COMMERCE	0.00	0.00	16,800.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	30.00	3,560.00	3,000.00	(18.67)%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	500.00	500.00	0.00%
75170	RENT	750.00	5,250.00	9,000.00	41.67%
75180	UTILITIES	1,224.70	7,267.55	7,875.00	7.71%
75190	DUES & MEMBERSHIP	50.00	50.00	1,000.00	95.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	3,012.00	4,000.00	24.70%
75220	OFFICE SUPPLIES & EXPENSE	449.24	3,280.13	6,000.00	45.33%
75240	BANK CHARGES	0.00	0.00	200.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	904.89	0.00	0.00%
76110	TELEPHONE	285.24	1,793.22	1,800.00	0.38%
76130	CABLE & INTERNET SERVICE	211.90	2,100.40	3,500.00	39.99%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78170	SECURITY SYSTEM	0.00	451.50	500.00	9.70%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	237.81	1,500.00	84.15%
96200	TRANSFER OUT	(84,525.00)	(84,525.00)	0.00	0.00%
	Total Expense	(46,091.09)	115,249.59	336,450.00	65.75%

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
301 - Police  
From 1/1/2018 Through 1/31/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
61000	EMPLOYEE GROSS WAGE	796.62	3,675.71	5,376.00	31.63%
65100	DEFERRED RETIREMENT	52.81	259.45	228.00	(13.79)%
65200	MEDICAL INSURANCE AND EXPENSE	0.24	0.72	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	153.86	172.00	10.55%
65600	PAYROLL TAX	65.26	302.49	429.00	29.49%
75170	RENT	750.00	5,250.00	9,000.00	41.67%
75180	UTILITIES	218.59	1,141.92	1,050.00	(8.75)%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	1,000.00	100.00%
75300	CONTRACTED SERVICES	(4,940.00)	0.00	244,027.50	100.00%
75350	ANIMAL CONTROL	240.00	762.00	1,500.00	49.20%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	90.27	635.40	1,200.00	47.05%
	Total Expense	(2,726.21)	12,181.55	264,482.50	95.39%

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
401 - Fire  
From 1/1/2018 Through 1/31/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	150.00	1,050.00	1,800.00	41.67%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	3,668.00	0.00	0.00%
75180	UTILITIES	51.02	331.02	500.00	33.80%
75190	DUES & MEMBERSHIP	0.00	0.00	250.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	73,762.70	75,000.00	1.65%
76110	TELEPHONE	62.55	423.47	1,000.00	57.65%
76140	RADIO & DISPATCH	0.00	0.00	900.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	81.98	350.00	76.58%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	492.06	518.70	2,500.00	79.25%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
	Total Expense	755.63	79,835.87	87,300.00	8.55%



**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
501 - PW (Public Works)  
From 1/1/2018 Through 1/31/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
61000	EMPLOYEE GROSS WAGE	10,066.45	44,892.62	85,557.00	47.53%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	1,208.78	5,290.81	10,492.00	49.57%
65200	MEDICAL INSURANCE AND EXPENSE	2,798.46	16,818.86	35,452.00	52.56%
65250	Health Savings Program	19.15	125.05	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	214.22	2,798.00	92.34%
65600	PAYROLL TAX	860.25	3,831.81	7,491.00	48.85%
65800	Grant Payroll Allocation	(658.84)	(11,035.57)	(43,000.00)	74.34%
71210	CITY ENGINEER-ADMIN. TASKS	5,809.01	37,849.86	8,000.00	(373.12)%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	4,000.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	62.91	62.91	0.00	0.00%
75150	PROPERTY TAX	0.00	15.00	0.00	0.00%
75180	UTILITIES	0.00	36.11	0.00	0.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	2,400.00	100.00%
75300	CONTRACTED SERVICES	0.00	8,414.85	12,000.00	29.88%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	450.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	5,990.00	13,586.25	5,000.00	(171.72)%
78120	STREET LIGHTING	376.12	2,635.27	4,500.00	41.44%
78130	TRAIL MAINTENANCE	0.00	800.17	3,500.00	77.14%
78140	VEHICLE FUEL & OIL	312.51	2,437.47	4,000.00	39.06%
78150	VEHICLE REPAIRS	0.00	1,587.80	2,500.00	36.49%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	1,673.55	5,000.00	66.53%
78170	SECURITY SYSTEM	0.00	283.50	500.00	43.30%
78190	MATERIALS, SUPPLIES & EQUIPMEN	518.53	3,094.89	13,000.00	76.19%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
96100	TRANSFER IN	(84,525.00)	(84,525.00)	0.00	0.00%
	Total Expense	(57,161.67)	48,090.43	165,140.00	70.88%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
204 - IWM  
From 1/1/2018 Through 1/31/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	5,000.00	0.00	0.00%
47650	RECYCLING REVENUE	0.00	1,337.53	10,500.00	(87.26)%
56150	FRANCHISE FEES	626.04	3,669.04	6,000.00	(38.85)%
	Total Revenue	626.04	10,006.57	16,500.00	(39.35)%
	Expense				
61000	EMPLOYEE GROSS WAGE	1,319.44	6,827.20	10,921.00	37.49%
65100	DEFERRED RETIREMENT	158.28	791.51	1,386.00	42.89%
65200	MEDICAL INSURANCE AND EXPENSE	389.44	2,840.50	5,614.00	49.40%
65250	Health Savings Program	2.01	23.01	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	326.94	369.00	11.40%
65600	PAYROLL TAX	112.68	581.35	989.00	41.22%
75130	GARBAGE	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,200.00	100.00%
	Total Expense	1,981.85	11,390.51	20,979.00	45.71%
	Net Income	(1,355.81)	(1,383.94)	(4,479.00)	(69.10)%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
601 - Water  
From 1/1/2018 Through 1/31/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
<b>Revenue</b>					
53020	INTEREST INCOME	0.00	0.00	1,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	2,000.00	(100.00)%
57100	WATER SALES	28,182.17	192,384.89	295,000.00	(34.78)%
57200	Water Sales - Wholesale	630.00	4,320.00	5,000.00	(13.60)%
57300	NEW WATER HOOK UPS	0.00	10,900.00	1,000.00	990.00%
57500	WATER A/R PENALTIES	552.16	2,071.75	1,000.00	107.18%
	<b>Total Revenue</b>	<b>29,364.33</b>	<b>209,676.64</b>	<b>305,000.00</b>	<b>(31.25)%</b>
<b>Expense</b>					
61000	EMPLOYEE GROSS WAGE	11,054.89	57,539.88	94,359.00	39.02%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	1,305.89	6,738.28	11,333.00	40.54%
65200	MEDICAL INSURANCE AND EXPENSE	3,261.85	22,106.97	40,384.00	45.26%
65250	Health Savings Program	22.64	165.26	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	2,879.00	3,078.00	6.47%
65600	PAYROLL TAX	940.00	4,895.10	8,225.00	40.49%
68090	CRIME BOND	0.00	262.50	280.00	6.25%
68200	INSURANCE - LIABILITY	0.00	5,732.30	6,125.00	6.41%
68300	PROPERTY & CASUALTY	0.00	2,237.90	2,625.00	14.75%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	1,000.00	100.00%
71160	ACCOUNTING	0.00	429.82	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	1,526.29	4,783.96	6,500.00	26.40%
71620	AUDITOR-FINANCIAL REPORTS	4,760.00	4,760.00	7,000.00	32.00%
72100	BAD DEBTS	0.00	6.26	350.00	98.21%
75180	UTILITIES	839.37	7,322.43	13,000.00	43.67%
75190	DUES & MEMBERSHIP	155.60	1,275.14	1,000.00	(27.51)%
75220	OFFICE SUPPLIES & EXPENSE	277.00	1,905.00	3,000.00	36.50%
75240	BANK CHARGES	0.00	10.00	100.00	90.00%
75280	TRAINING / EDUCATION	299.00	1,196.04	500.00	(139.21)%
75300	CONTRACTED SERVICES	0.00	7,708.30	15,000.00	48.61%
76110	TELEPHONE	116.18	719.93	1,800.00	60.00%
76130	CABLE & INTERNET SERVICE	61.95	433.65	750.00	42.18%
76160	LICENSES & FEES	0.00	2,423.70	4,500.00	46.14%
78120	STREET LIGHTING	0.00	0.00	1,600.00	100.00%
78140	VEHICLE FUEL & OIL	45.41	359.08	1,500.00	76.06%
78150	VEHICLE REPAIRS	193.39	217.73	2,000.00	89.11%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	153.37	1,000.00	84.66%
78170	SECURITY SYSTEM	0.00	283.37	500.00	43.33%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	1,723.56	12,000.00	85.64%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	120.00	1,000.00	88.00%
79100	WATER LAB FEES	380.00	3,135.00	4,000.00	21.63%
79120	WATER PLANT CHEMICALS	775.00	3,731.96	7,500.00	50.24%
79130	WATER LINE HOOK-UPS	10,900.00	10,900.00	1,000.00	(990.00)%
79150	WATER LINE REPAIR	0.00	10,045.92	15,000.00	33.03%
79160	WATER PLANT REPAIR	0.00	2,895.85	8,000.00	63.80%
90000	Capital Reserves	0.00	0.00	20,000.00	100.00%
	<b>Total Expense</b>	<b>36,914.46</b>	<b>169,097.26</b>	<b>300,509.00</b>	<b>43.73%</b>
	<b>Net Income</b>	<b>(7,550.13)</b>	<b>40,579.38</b>	<b>4,491.00</b>	<b>803.57%</b>

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
701 - Cemetery  
From 1/1/2018 Through 1/31/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
58100	CEMETERY PLOT SALES	2,002.50	3,712.50	9,500.00	(60.92)%
	Total Revenue	2,002.50	3,712.50	9,500.00	(60.92)%
	Expense				
61000	EMPLOYEE GROSS WAGE	1,666.29	8,601.45	13,685.10	37.15%
65100	DEFERRED RETIREMENT	199.95	999.62	1,748.42	42.83%
65200	MEDICAL INSURANCE AND EXPENSE	485.72	3,556.70	6,920.46	48.61%
65250	Health Savings Program	2.22	28.32	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	412.53	466.25	11.52%
65600	PAYROLL TAX	142.26	732.43	1,248.38	41.33%
75180	UTILITIES	45.23	376.50	750.00	49.80%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	2,541.67	14,707.55	25,318.61	41.91%
	Net Income	(539.17)	(10,995.05)	(15,818.61)	(30.49)%



## **CONSENT AGENDA ITEM 4**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      12 PAGES**

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4. Encroachment Permit Application for Right-of-Way improvements at 674 Underwood Dr.

## CONSENT AGENDA ITEM

Wednesday, March 14, 2018

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**Item:** Discussion/Decision regarding Campbell Encroachment Permit Application to Construct a Decorative Border on the Front Property Line at 674 Underwood Drive

The City has received an application from resident Juanice Campbell, owner of 674 Underwood Dr., to construct a decorative and functional border along her front property line that slightly encroaches into the public right-of-way along Underwood Drive. Ms. Campbell recently purchased the property and is in the process of making necessary and functional improvements. The landscaping along her front property line on Underwood has been overgrown for years and rendered the public parking spaces unusable.

As shown on the attached site plan and aerial view, the front property line is at an angle to the front of the home. The homeowner's goal is to have the new border parallel to the house, but in order to achieve this aesthetic a slight encroachment into the public right-of-way will be required. The new encroachment will only be a fraction of the amount the previous vegetation took up. The homeowner has removed all the landscaping in preparation of this project and has also improved the parking by adding gravel at her own expense. The City will gain 1-2 on-street parking spaces, and the encroachment will be minimal.

The City ordinance on Encroachments (Chapter 12.04 of the Trinidad Municipal Code) categorizes and regulates various types of activities in the public right of way such as public utility or infrastructure repairs, improvements of alleys, and special events. Permanent structures proposed by residents (to be constructed in public right of ways) to improve the aesthetics or define their property boundaries are not clearly defined in table 12.04.070 of the Encroachment Ordinance, classified as "OTHER", and therefore must first be approved by the City Council.

The Criteria of Approval, as defined in section 12.04.080 of the code lists 4 principal guidelines for reviewing such proposals, and all must be reviewed equally. The Ordinance states: *"An encroachment permit may be issued when the proposed activity:*

- A: *Is in the interest of the City and/or the health, safety, and welfare of the public;*
- B: *Does not result in conditions detrimental to the public health, safety, and welfare;*
- C: *Does not result in practical difficulty or liability risk to the City;*
- D: *Is not materially injurious to private or public property;*

Typically it is Staff's position to deny permanent improvements into the public right of way. We do not make judgments on the merits of the projects, but simply review such projects only in terms of City Ordinances and general planning principals. This project is not clearly disallowed by any regulation, therefore, the Council has the discretion to approve or deny such a request based on a variety of standards outlined below.

In 2016 the Council approved the decorative retaining wall built adjacent to the Beachcomber building on Trinity Street, subject to specific conditions as defined in the permit. Staff believes that the property owner has voluntarily resolved to two pre-existing problems; 1) overgrown vegetation that prohibited public parking in the City's right-of-way, and 2) difficult access to the water meter. We also believe that the attached Encroachment Permit document will mitigate future questions and/or issues that may arise from the construction, repair, or demolition of the wall.

The attached draft Encroachment Permit includes a list of conditions, and if approved, the document would be notarized and recorded on the deed through the County Recorder's office. Permit issuance will be subject to receiving final approvals from Public Works, City Engineer, and City Planner, and the City Clerk's office.

**Action Requested:** Review Campbell Encroachment Permit application and either approve or deny as submitted.

**Attachments:**

- Chapter 12.04 Encroachments
- Encroachment Permit Application Materials
- Draft Encroachment Permit Document for Recording



674 Underwood Dr

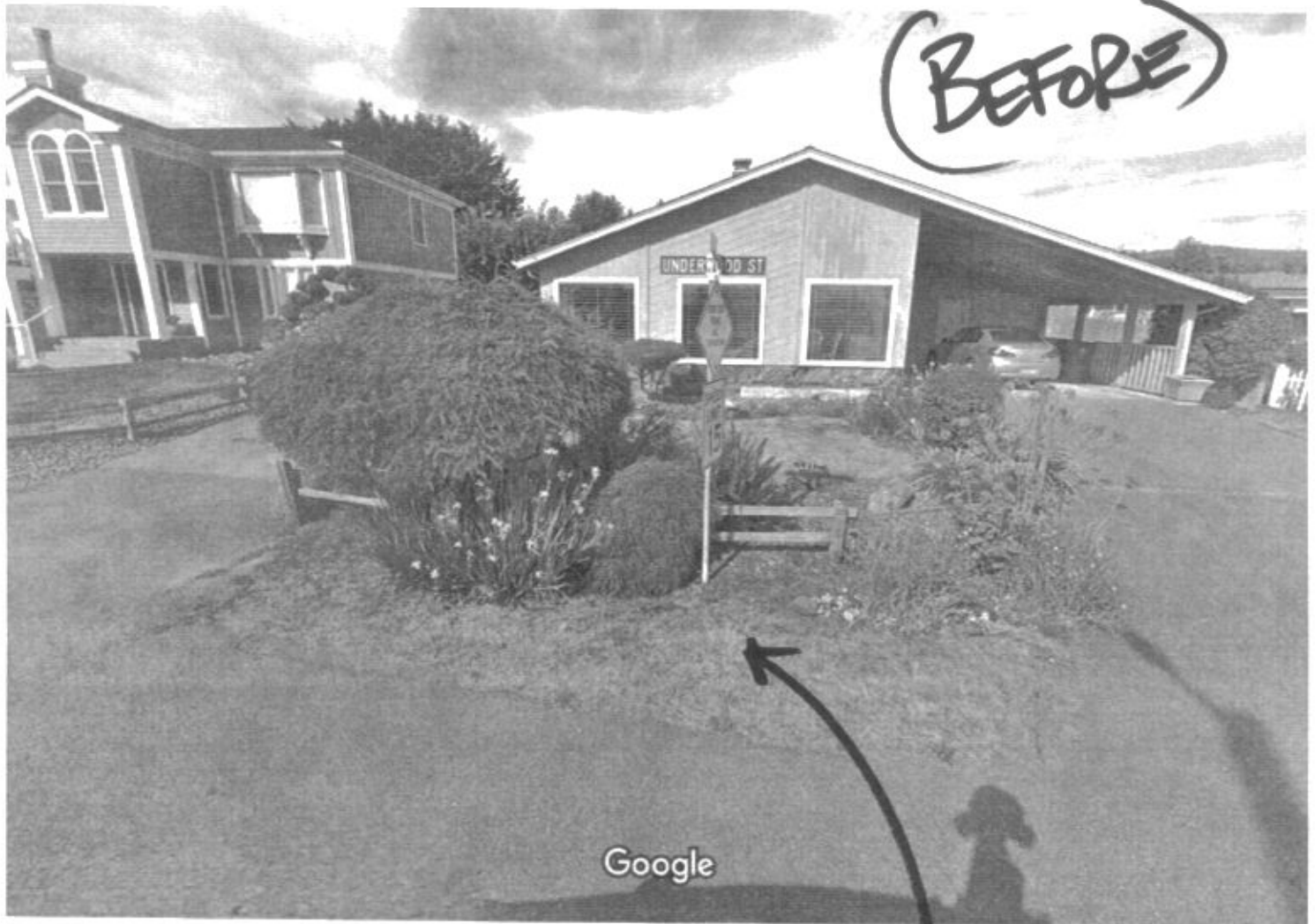
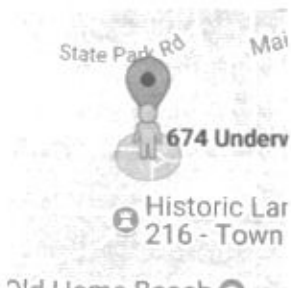


Image capture: Oct 2017 © 2018 Google

Trinidad, California

 Google, Inc.

Street View - Oct 2017



- VEGETATION HAS BEEN REMOVED AS OF 03/06/18.
- PARKING AREA GRAVELED & IMPROVED AT OWNERS EXPENSE.
- SIGN WILL BE RELOCATED BY PUBLIC WORKS TO MAKE PARKING SPACES AVAILABLE.

653 Parker St

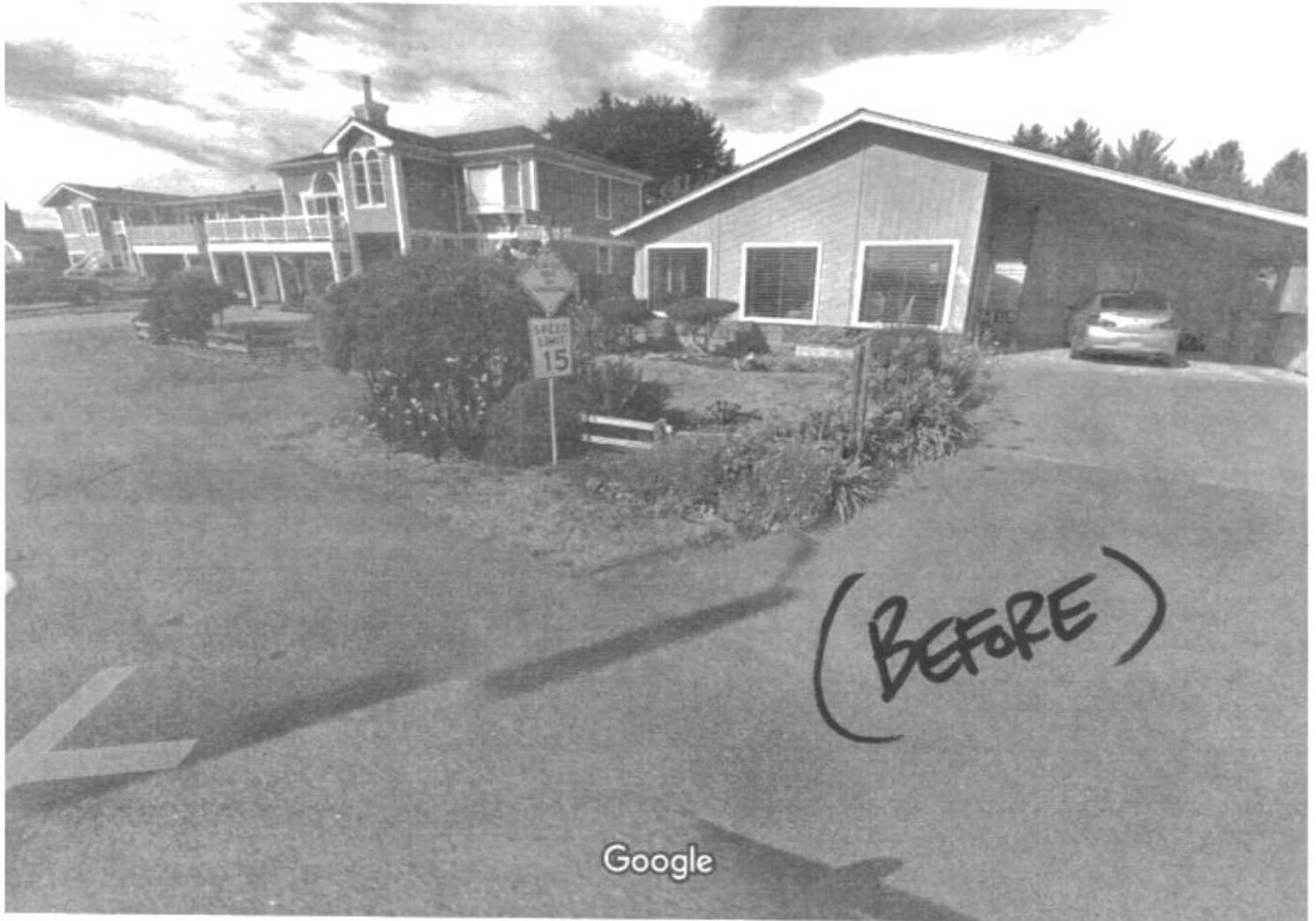


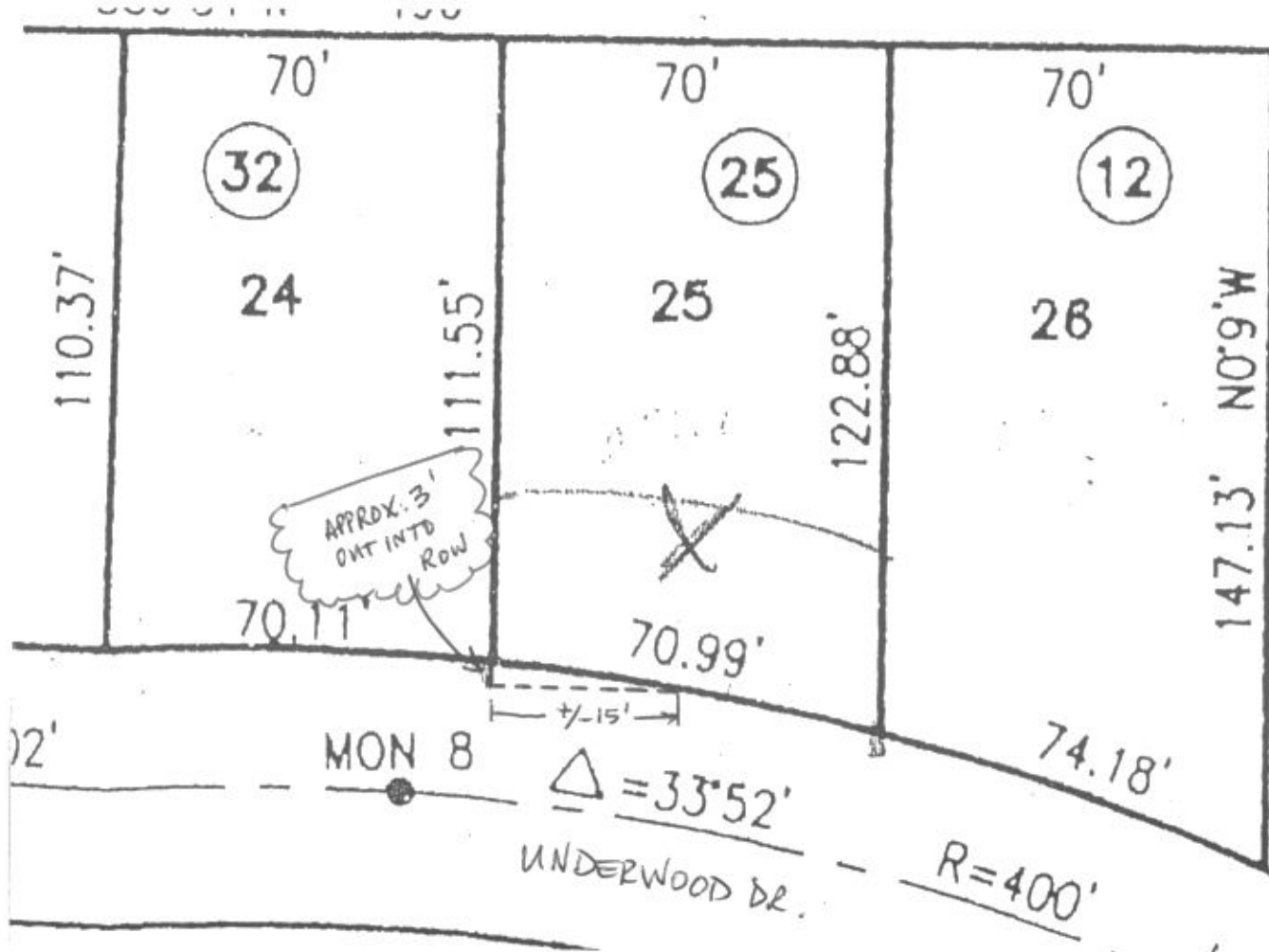
Image capture: Oct 2017 © 2018 Google

Trinidad, California

 Google, Inc.

Street View - Oct 2017





674 UNDERWOOD DR, CAMPBELL



Recording requested by  
and When recorded return to:

City Clerk  
City of Trinidad  
P.O. Box 390  
Trinidad, CA 95570

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUENT TO  
SECTION 27383 OF THE CALIFORNIA GOVERNMENT CODE

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RE: 674 Underwood Dr.  
ENCROACHMENT PERMIT NO. 2018-01  
APN 042-031-25

### **ENCROACHMENT PERMIT**

This ENCROACHMENT PERMIT, hereinafter referred to as PERMIT, dated this 14th day of March, 2018, between resident **Juanice S. Campbell**, and, hereinafter referred to as OWNER(S), and the **CITY OF TRINIDAD**, a political subdivision of the State of California, County of Humboldt, hereinafter referred to as CITY;

**WHEREAS**, OWNER(S) represent and warrant that they are the OWNER(S) in fee of a parcel of land known as Assessor's Parcel Number(s) 042-031-25 or 674 Underwood Drive, and as such have the exclusive right to enter into this PERMIT; and

**WHEREAS**, OWNER(S) desire to construct a decorative wall border that encroaches slightly into the public right-of-way on the west corner of the property line along Underwood Drive. Said structure **was approved by the City Council**, has received any required building permits, and encroaches approximately 3-feet into the City's right-of-way.

**NOW, THEREFORE**, it is mutually agreed as follows:

1. OWNER(S) represent and warrant that they are the OWNER(S) in fee of a parcel of land known as 674 Underwood Dr., A.P.N. 042-31-25.
2. OWNER(S) shall comply with all conditions and terms set forth in this PERMIT.
3. The PERMIT shall affect that portion of the structure placed within said CITY right of way.
4. Upon notification by CITY, as per Streets and Highways Code, that said CITY right of way is necessary for public road purposes or purposes incidental thereto and conflicts with said structure, OWNER(S) shall remove said structure at OWNER(S) sole expense, within sixty (60) days, or in the event of a utility emergency the structure or portions of the structure to be removed must be prepared in a reasonable time as deemed appropriate by the Public Works Director to make immediate repairs to public utilities.
5. If said structure is not removed by OWNER(S) within the specified time period, the OWNER(S) hereby authorizes CITY to perform and complete the removal of said decorative border by any method the Director of Public Works or authorized City Official deems appropriate. The

OWNER(S) shall reimburse the CITY for full cost, at current Associated General Contractor's Cost Schedule for said work, of performing and completing the removal of said retaining wall.

6. OWNER(S) shall indemnify and hold harmless, and at OWNER(S) own risk, cost, and expense, defend CITY, City Council, officers, agents, and employees from and against any and all liability expenses, including defense costs, legal fees, and claims for damages arising from OWNER(S) or third party's negligence, intentional acts, or breaches of this PERMIT. Indemnification with respect to defense costs shall be made at the time CITY incurs such costs.
7. OWNER(S) shall maintain insurance as follows:
  - Commercial General Liability Insurance no less broad than Insurance Services Office (ISO) form CG 00 01.
  - Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Umbrella Liability Insurance. If Permittee maintains higher limits than the specified minimum limits, City requires and shall be entitled to coverage for the higher limits maintained by OWNER.
  - City, its officers, employees, and volunteers shall be endorsed as an additional insured for liability arising out of operations performed by or on behalf of the OWNER for which a permit has been issued.
  - The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
  - The policy shall cover inter-insured suits and include a "separation of Insureds" or "severability" clause which treats each insured separately.
8. OWNER(S) shall assume all responsibility for maintenance and repairs of said structure.
9. This PERMIT shall be binding on OWNER(S), their heirs, successors, and assigns.
10. This PERMIT shall be binding to any and all future property owners.
11. This PERMIT shall be recorded with the Humboldt County Recorder's Office.

**City of Trinidad:**

BY \_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

\_\_\_\_\_  
**Date**

**Owner(s):**

BY \_\_\_\_\_  
**Juanice S. Campbell**  
Property Owner



**(see Notary Acknowledgement next page)**

**NOTARY ACKNOWLEDGMENT**

STATE OF CALIFORNIA;

: SS

COUNTY OF HUMBOLDT;

Capacity claimed by signer:

☐ Individual(s); ☐ Trustee(s); ☐ Attorney-in-Fact; ☐ Guardian/Conservator;

☐ Corporate Officer(s) \_\_\_\_\_ Title(s);

☐ Partner(s) -- ☐ Limited, ☐ General

☐ Other \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public in and for said State,  
(date)

personally appeared \_\_\_\_\_, ☐ personally known to me --or-- ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) **is/are** subscribed to the within instrument and acknowledged to me that **he/she/they** executed the same in **his/her/their** authorized capacity(ies), and that by **his/her/their** signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(SEAL)

\_\_\_\_\_  
(Signature of Notary)

County of \_\_\_\_\_

My commission expires \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

STATE OF CALIFORNIA;

: SS

COUNTY OF HUMBOLDT;

Capacity claimed by signer:

☐ Individual(s); ☐ Trustee(s); ☐ Attorney-in-Fact; ☐ Guardian/Conservator;

☐ Corporate Officer(s) \_\_\_\_\_ Title(s);

☐ Partner(s) -- ☐ Limited, ☐ General

☐ Other \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public in and for said State,  
(date)

personally appeared \_\_\_\_\_, ☐ personally known to me --or-- ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) **is/are** subscribed to the within instrument and acknowledged to me that **he/she/they** executed the same in **his/her/their** authorized capacity(ies), and that by **his/her/their** signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(SEAL)

\_\_\_\_\_  
(Signature of Notary)

County of \_\_\_\_\_

My commission expires \_\_\_\_\_

## Chapter 12.04 ENCROACHMENTS

### Sections:

- 12.04.010 Purpose.
- 12.04.020 Definitions.
- 12.04.030 Permits – Requirements.
- 12.04.040 Applicability.
- 12.04.050 Regulated encroachment activities.
- 12.04.060 Encroachment permit – Procedure.
- 12.04.070 Delegation of review and approval.
- 12.04.080 Encroachment permits – Criteria of approval.
- 12.04.090 Encroachment permits – Terms and conditions.

### 12.04.010 Purpose.

The purpose of this chapter is to entitle and regulate activities in the public right-of-way. The **encroachment** permit process is the city's mechanism for guaranteeing that work in the public right-of-way is:

- A. In the interest of the public health, safety and welfare;
- B. Is conducted in a manner that does not result in conditions detrimental to the public health, safety and welfare;
- C. Is not materially injurious to private or public property;
- D. Does not result in practical difficulty or liability risk to city;
- E. To be consistent and not in conflict with similar work by others or by the city itself. [Ord. 86-187 § 1.01, 1987].

### 12.04.020 Definitions.

"**Encroachment permit**" means a permit to conduct activity described in TMC 12.04.040 and 12.04.050. [Ord. 86-187 § 2.01, 1987].

### 12.04.030 Permits – Requirements.

All **encroachment** permits shall be reviewed according to the criteria set forth in this chapter and are subject to the terms and conditions therein. Additional terms and conditions may be prescribed by the department and/or decision-making body approving the **encroachment** permit, in order to ensure the purposes are carried out fully. [Ord. 86-187 § 2.02, 1987].

### 12.04.040 Applicability.

This chapter applies to all projects performed by private parties or their agents, or contractors of the city that take place within or involve alterations or improvements to the public right-of-way. [Ord. 86-187 § 3.01, 1987].

### 12.04.050 Regulated encroachment activities.

Activities in the public right-of-way include:

- A. Sidewalk, curb, drop curb construction or repairs;
- B. Sanitary sewers;
- C. Water mains, services, etc.;
- D. Storm drains;
- E. Sidewalk or street closures;
- F. **Encroachment** on sidewalks;
- G. Non-city-owned utilities (gas, telephones, etc.);
- H. Street improvements (grading, paving, etc.);
- I. Alley improvements, use of alley;
- J. Hydrant rental;
- K. Subdivision improvements;
- L. Banner permits;
- M. Special event permits;
- N. Other, as specified, including locating improvements (not falling in one of the categories above, such as signs) in the public right-of-way. [Ord. 86-187 § 3.01, 1987].

**12.04.060 Encroachment permit – Procedure.**

Applications for **encroachment** permits shall be reviewed as follows:

- A. The applicant shall apply on a form prescribed by the city council.
- B. The city clerk shall direct the application to the appropriate department or decision-making body as set forth in TMC 12.04.070.
- C. Upon approval by the appropriate department or body as indicated in TMC 12.04.070, the city clerk shall issue the **encroachment** permit.
- D. Disapproval of a request for an **encroachment** permit shall be made in writing with reasons given for the disapproval.
- E. Disapprovals may be appealed to the city council within 10 days of the date that notification of the disapproval was mailed to the applicant.
- F. Grievances regarding the issuance of an **encroachment** permit and/or the conduct of an activity regulated by this chapter may be addressed to the city council. [Ord. 86-187 § 4.01, 1987].

**12.04.070 Delegation of review and approval.**

**Encroachment** permits shall be reviewed and approved by the departments and/or governing body of the city as set forth in Table 12.04.070.

Table 12.04.070

Type of Encroachment Permit*	City Staff				City Body	
	Public Works	Engineer	Planner	Police/Fire	Commission	Council
A. Sidewalk, curb, drop curb	Approve					
B. Sanitary sewers	Approve	Recommend				
C. Water mains, water services, etc.	Approve	Recommend				
D. Storm drains	Approve	Recommend				
E. Sidewalks or street closures	Approve			Recommend		
F. <b>Encroachment</b> on sidewalks	Recommend	Recommend	Recommend		Approve	
G. Non-city-owned utilities	Approve	Recommend				
H. Street improvements	Approve	Recommend				
I. Alley improvements, alley use	Approve	Recommend	Recommend	Recommend		
J. Hydrant rental	Approve					
K. Install subdivision improvements	Approve					
L. Special event permits	Recommend	Recommend	Recommend	Recommend		
M. Other	Recommend	Recommend	Recommend	Recommend	Recommend	Approve

\* **Encroachment** permit types correspond to TMC 12.04.040 and 12.04.050.

[Ord. 86-187 § 5.01, 1987].

**12.04.080 Encroachment permits – Criteria of approval.**

An **encroachment** permit may be issued when the proposed activity:

- A. Is in the interest of the city and/or the health, safety and welfare of the public;
- B. Does not result in conditions detrimental to the public health, safety and welfare;
- C. Does not result in practical difficulty or liability risk to the city;
- D. Is not materially injurious to private or public property. [Ord. 86-187 § 6.01, 1987].

**12.04.090 Encroachment permits – Terms and conditions.**

**Encroachment** permits are subject to the following conditions:

- A. All work shall conform to the city standards and specifications.
- B. Barricades must be kept on all trenches, excavations and obstructions. Warning lights must be maintained at night. All signs, flags, lights and safety devices involved in construction activities shall conform to the requirements set forth in the then current "Manual of Traffic Control Warning Signs, Lights and Other Devices for Use in Performance of Work Upon Highways," issued by the State Department of Transportation.
- C. Continuous vehicle and pedestrian access shall be maintained unless specifically otherwise permitted by the **encroachment** permit.
- D. Unrestricted access to fire hydrants shall be maintained at all times.
- E. No street shall be closed without first notifying the city and receiving approval from the city. Under normal circumstances, the city expects at least 24 hours' advance notice of such closure. An estimate shall be given on how long the closure is expected to last. Notification shall be given to the city when the street is

reopened.

F. All work shall be guaranteed for a period of not less than 90 days or more than one year from the date of acceptance by the city. Failure of the city to detect flaws in the work shall not relieve the applicant and/or contractor of this responsibility.

G. Failure to comply with these conditions and with this chapter shall result in direction from the city to stop work. The city reserves the right to perform the necessary correction and improvement work at the applicant's expense.

H. Any long-term **encroachment** not properly or promptly maintained will be repaired or removed at the applicant's expense.

I. No permit shall be issued to any individual, organization or contractor who has outstanding fees, charges or work not in compliance with terms of any **encroachment** permit previously issued. The council may waive or alter this provision in exceptional circumstances.

J. The applicant shall indemnify and hold harmless the city, and its officers and agents, from all suits and actions of every name and description brought for, or on account of, any injuries or damages received or sustained by any person or persons, by or from the applicant, applicant's employees or agents, in the construction of the work, or by or in consequence of any negligence in guarding the same, or for improper materials and/or methods used in construction.

K. **Encroachment** permit applications involving banners, signs or structures shall be approved by the design review committee prior to issuance of the **encroachment** permit. [Ord. 86-187 § 7.01, 1987].

Mobile Version



## **DISCUSSION AGENDA ITEM 1**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      13 PAGES**

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1.      Consider Report and Recommendations from the Ad-hoc STR Committee



## Finding for the City of Trinidad Short Term Rental Ordinance, Section 17.56.190

### **Councilman Jack West**

March 7, 2018

Jim Baker and I agreed to work on finding solutions to some of the issues brought forth by residents of Trinidad concerning the City's STR Ordinance. Since most of the complaints to the City of Trinidad came from residents of Ocean Avenue, we decided to concentrate our efforts in this area, hoping to resolve issues there that could be used to solve problems throughout the City. Jim looked carefully at each of the STR's on Ocean Avenue, analyzing the issues with each home. We discussed and I agreed with his findings. I was more concerned with the City offices and their roles working with the community and taking care of STR business.

#### **Parking:**

One of the key areas of concern was parking. Homes on Ocean Avenue are bordered by Ocean Avenue and an alley. Either provides possible parking. Since most of the homes have converted garages into bedrooms or rentals, there is little garage parking in the alleys. Therefore, much of the STR parking is on Ocean Avenue. Jim and I spent some time surveying the alley to see if there was room for parking alongside these homes, but still leaving enough room for emergency vehicles. That information has been turned in to the City and needs to be addressed.

Parking is a sensitive issue and problems can clearly be observed by community members. It needs to be one of the top issues for the City. If residents cannot find parking because there are too many exceptions to the parking rules, or the off-street parking is not being utilized, more complaints will be filed. All parking should be carefully regulated with as few exceptions as possible. No rental permit should be dispensed without all parking spaces legally cleared by City staff.

Section 17.56.190 (6.26).M STR Standards defines parking:

6. Off-Street Parking. An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section 17.56.190 (6.26).M.3. The off-street parking space(s) shall be entirely on the STR property. STR owners/managers shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license in good standing. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors should be encouraged to take up on-site parking and not to use available street parking of adjacent and nearby properties.

#### **OWTS:**

It is the responsibility of the City to make sure the OWTS standards are met for all STR's. The OWTS standards are recorded for every STR, but we found that some standards set for the rentals did not seem consistent. However, these standards are set and inspections are completed by outside staff who make recommendations to the City Manager and Inspector. Some of the STR septic systems are new, so they are given a longer time between services. Older systems may need to be inspected yearly. Since these organizations are the experts, it is important for us to follow their recommendations. There have been complaints about the OWTS regulations, so it seems the standards should be clear for both the City Manager and the community. Section 17.56.190 (6.26).M STR Standards defines septic systems:

8. Septic System. Each STR's owner or property manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City Manager, shall be posted in each kitchen and bathroom in the STR.

**Signs:**

Signs have been a small concern, but the rules are clear and yet not always followed. Vacation rentals are not required to install signs, but there are rules for those that have signs. Signage needs to be consistent and enforced. Section 17.56.190 (6.26).M STR Standards defines signs:

10. Signs. A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide the 24-hour Contact Phone Number for complaints and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

**Applications:**

Both Jim and I saw complications with the permit paperwork handed in by applicants. Some of the applications were poorly completed, especially the site plans. Site plans need to be proportional to the home and easy for the City Inspector to follow. Many current site plans are not properly completed. The City Inspector should reject plans he feels are not complete. The City should provide a template and instructions to help the owner through this process. The City plans to make changes to this process in 2019.

Section 17.56.190 (6.26).E defines application requirements:

Application Requirements

b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided. Applicants for a Homeshare or Resident STR License shall include documentation that the property is their Primary Residence.

**Complaints:**

Trinidad does not have a large enough staff to take care of problems associated with STR's as efficiently as the community wishes. There are not workers on staff 24 hours per day, and no one working weekends. A sheriff's deputy is not on duty most of the weekend evenings when there may be issues with rental homes. However, the STR Ordinance outlines ways to report issues related to the STR Ordinance. Although a problem with an STR cannot be immediately dealt with by the City staff, there are ways it can be diffused through the STR owner or manager and staff. If this does not satisfy the community, the next step takes much more time and effort. Much of the enforcement falls on the shoulders of the City Manager, who was not solely hired to be the enforcer of ordinances.

We recommend the City Manager delegate responsibilities. There should be a systematic method to complaints that begins with immediate feedback to the claimant. Since the first response is an acknowledgement of the complaint only, it can be done by one of the clerks. The City Manager needs to review the complaint and send it to the staff member that is most qualified to deal with a complaint. With a planner, sheriff's deputy and building inspector on staff, the City Manager should find one of these professionals to follow up on the complaint. The enforcement then is shared among the Trinidad staff.

These were some of the issues we felt the City could consider to ease the workload and help share responsibility for STR issues:

- Be sure all requests or complaints from the community are immediately acknowledged.  
Our new staff member is being trained for this process.
- Be sure that the "Meet and Greet" policy is followed (section 17.56.190 (6.26).M).  
There needs to be a signature from the owner and the person greeted.
- Make sure all rentals are following the regulations listed in the ordinance.  
The City is working to improve this process.
- Define who is responsible for enforcing and clarifying OWTS regulations.  
The City is working to improve this process.
- Make sure all requirements for notifying neighbors of nearby STR's are being followed.  
The City will be using the new staff member to improve this process.
- Be sure the correct official is taking care of permit inspections or complaints.  
The City is working to improve this process.
- Make sure parking is clear for both visitors and STR owners, especially in the alleys.  
The City will soon be putting signage in the alleys to maintain a 16' clearance for emergency vehicles.
- Use mediation and/or arbitration as a step to resolve disputes between residents and STR business.  
The City is working to improve this process.

### **Overall Conclusions:**

The City of Trinidad is going to have Short Term Rentals as part of the community. This town has been an attraction to people from all over the world and will continue to be a popular tourist area. By ordinance, we allow these rentals under the scrutiny of the City government. Almost all visitors and owners appreciate and respect our community interests, and our vacation rental businesses do a good job of taking care of their rentals and following the rules within the ordinance. However, there will be occasional problems that will cause issues with neighbors. This is unfortunate, but that is why there are methods for the public to file a complaint.

In addition to the Ordinance, we recommend a yearly community meeting with both rental businesses and community members to discuss STR issues. It should be held before new permits are issued and after the STR summer season is completed.

Rules for STR's should be strictly enforced so that there are fewer complaints. STR owners need to understand that the onus of maintaining their businesses responsibly falls on their shoulders, so they need to be cautious to whom they rent. Rentals in the City should be for families and friends, not for public celebrations or parties. STR's are expected to be used much like a family dwelling.

All of us, the citizens, STR owners, vacation rental businesses and City need to work together to make sure the ordinance has a chance to succeed. At this time, members of the community are concerned that the former VDU ordinance was not enforced properly and are putting a lot of pressure on City staff, the Planning Commission and the City Council to increase enforcement. Between the concerns of the citizens and the amount of work being asked of them to enforce this ordinance, the City is having a difficult time effectively carrying this out. My hope is that the community as a whole (vacation rental businesses and owner, citizens and the City) can give this new ordinance time to develop, to give the City time to take care of some of the issues that have plagued the STR business in the past.

We recommend the City Council develop an STR committee to review and update the STR Ordinance, consider methods to help with enforcement, and organize a yearly community meeting. The membership would be decided by the Council, but we would suggest at least one council member, a member of the community and an owner or local vacation rental representative.

## Preliminary Findings and Opinions Regarding STR Materials

### Gathered by a Trinidad Citizen's Committee

### And Specific Findings Regarding Five Specific STRs on Ocean Avenue

by

**Councilman Jim Baker**

Preliminary findings and opinions regarding STR materials gathered by a citizen's committee including Dorothy Cox, Kathleen Lake et al

#### A) General Comments and Recommendations

I have the following specific recommendations after reviewing the license applications and citizen's committee notes, and discussing the issues with a cross-section of Trinidad citizens and the broader community:

- 1) The procedure of processing complaints needs to be streamlined to ensure fair and consistent results. A flowchart previously produced by planning commissioners Richard Johnson and Mike Pinske would be a good start toward more efficient structuring of these procedures. A copy of this flowchart is attached to this report.
- 2) The final decision to issue a notice of violation should be made by a committee of individuals which may include the City Manager, instead of the City Manager as the sole decision maker. This diffuses and democratizes the decision-making process to a greater extent and hopefully makes it less subject to criticism and accusation of self-interest.
- 3) I have come to the conclusion that the importance of the STR owner "meeting and greeting" STR guests in a personal manner cannot be overstated in setting the tone for an enjoyable and pleasant stay in Trinidad for guests and neighbors alike. This obligation should be emphasized in the investigation and processing of complaints and consideration of issuing violation notices.
- 4) I think that there should be more emphasis on the obligation as stated in the STR ordinance to engage in mediation in the event of an intractable disagreement between STR owners and neighbors over whether or not a violation of the ordinance has occurred. This should only take place if the normal complaint process has totally failed to satisfy both parties, but would allow a trained, neutral third party to suggest options for coming to a mutually satisfactory conclusion.

These recommendations are by no means exhaustive, but hopefully may serve to stimulate a productive discussion among the City Council, Planning Commission, STR business owners and community members regarding continuing improvement in the implementation process of the City's STR ordinance.

The citizen's committee's complaints and questions focused on the following general areas of concerns:

- a) Inadequate onsite parking spaces.
- b) Inadequate OWTS systems.
- c) Complaints about existence of accessory units on a single parcel sometimes being advertised as separate STRs, illegal second unit conversions, and "multiple households in single family dwellings".
- d) General nuisance complaints such as noise, abusive language and behavior by guests, speeding in alleys, excessive guests overnight, dog issues, etc. as covered under section 17.56.190 (6.26).M (STR Standards) of the STR Ordinance.
- e) Improvements needed in the complaint process itself, including simplifying and more efficiently structuring the process and improving response time.

#### Onsite Parking

Since adequate onsite parking is a critical issue, especially in clustered neighborhoods like Ocean Avenue, a survey was completed in the summer of 2017 to define the limits of the public rights-of-way on Ocean Avenue and the alley to the rear of the STRs located on the east side of Ocean Avenue. These lines were then superimposed on an aerial map to illustrate the limits of allowable onsite parking per section 17.56.190 (6.26).M.3 of the City's STR Ordinance. The City is currently in the process of determining whether or not alley parking may extend into the 20' alley-right-of way and if so, by how much. This decision will affect future decisions regarding how many off-street parking spaces will be available for each STR application. In addition, hedges and other landscaping extending into the public street right-of-way at 407, 357 and 308 Ocean Avenue have been or soon will be removed to allow for six more public parking spaces. In addition, the owners of 308½ Ocean Avenue have moved a fence and increased the width of the existing onsite driveway by two feet at this legal nonconforming dwelling unit to add another legal onsite parking space. All of these changes will help to alleviate pressure on parking along Ocean Avenue in an area of existing STR clustering.

Section 17.56.190 (6.26).H.2 of the original 2014 VDU ordinance allowed for administrative exceptions for the minimum number of onsite parking spaces required for VDU approval (one space per two occupants). An administrative exception was allowable if the VDU had been in existence for a minimum of two years and could not "feasibly comply" with the ordinance parking requirements. The amended 2016 STR ordinance followed up on this administrative exception clause by stating that "STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license in good standing" in Section 17.56.190 (6.26).M.6.



### OWTS Systems

Unless noted otherwise, all of the following STRs have valid OWTS permits, subject to regular maintenance as required by those permits.

### Detached Living Spaces and Accessory Units

The Planning Commission will be developing clearer definitions of detached accessory structures on single parcels and permitted uses of such structures in the coming year.

### Nuisance Complaints and Processes

This subject is covered in Section 17.56.190(6.26).E.2 (Contact Information) of the STR Ordinance. The limited City staff and lack of redundancy in staff job responsibilities puts real limitations on response time for complaints and public records requests. Realistic strategies for dealing with this limitation need to be developed, clearly defined to the public, and adhered to. I think that dealing with this issue is one of the most important things the City can do to improve our relationship with the public that we serve.

### Miscellaneous

The quality and accuracy of the site plans and floor plans on previous STR applications varied widely, from rough hand drawn sketches with no dimensions to CAD or professional draftsman quality renderings which would be suitable for building permit applications or construction drawings. I suggest providing applicants with "sample" site plans and floor plans showing minimum requirements for these documents which will better enable proper inspections to take place. The STR Ordinance minimum requirements are that the drawings be "to scale". This indicates that in the absence of shown dimensions, it should be possible to accurately determine them by scaling them from the drawing.

### **B. Findings Regarding Five Specific STRs on Ocean Avenue**

We confined the findings on specific STR applications to five locations on Ocean Avenue because of the "clustering" effect they were having on this particular neighborhood, thereby magnifying the importance of making certain that their license applications were being reviewed in conformance with the City's new STR ordinance.

#### 1) 363 Ocean Avenue –McCarter

2016-17 license application copies and committee notes superimposed on it indicate that this STR is licensed for three bedrooms and 8 occupants. Inspection performed by John Roberts.

Site and floor plans appear inadequate, including the fact that they contain no dimensions whatsoever. An attic space converted to a children's playroom is not shown on the floor plans.



Site Plan indicates three parking spaces in front of house, parallel to Ocean Avenue. In fact, front yard landscaping extends to the public r-o-w line and there is no existing onsite parking in the front area of the lot. What appears to be a converted garage is located in the rear of the lot. The northeast corner of this garage is 10'11" west of the west r-o-w line of the alley, and the southeast corner is 8'0" west of the line. A fence parallel to the alley and south of the garage is 8'2" west of the line. The width of the lot is 50'. One standard parking space of 8'6" X 18'0" parallel to the alley would fit entirely in the northerly half of this space. If an allowance were given to let the space extend a few inches into the alley r-o-w to allow another parallel parking space in the southerly half of the 50' alley frontage, two legal parking spaces could be accommodated within this area. However, the southerly space would block the entryway into the converted garage structure. According to the City Planner's application checklist, there are no onsite parking spaces available for STR occupants, but an administrative parking exception was granted under the conditions specified in the City STR ordinance.

At the time of the STR license application, an application had been made to the City Planner to allow a converted garage structure in the rear of the property to either be grandfathered in as a legal nonconforming 2<sup>nd</sup> unit (accessory dwelling unit) or additional living space (detached accessory structure). This cannot be rented as a second STR in addition to the main structure.

The 2017-18 license application indicates that the STR is still licensed for three bedrooms, and specifies a maximum occupancy of 6 adults and 2 children. The site and floor plans still contain no dimensions, and the proportion of the main residence structure shown on the site plan is totally different than that shown on the floor plan. This indicates that one or the other, or both, of the sketches are not drawn to scale. No scale for the sketch is shown on either of the drawings so it is impossible to check the accuracy or square footage of either one without onsite measurement by the City inspector. The location of the septic system is indicated by a single rectangle, without specifying the locations and sizes of the both the leach field and septic tank. I would classify both drawings as schematic rather than "roughly to scale", and encourage the City to include sample site and floor plan drawings with STR application forms in order to provide more guidance to applicants regarding what is expected in this regard. A sample plot plan from the Humboldt County Planning Department is attached to this report as an example. This could be simplified or revised by City Staff to suit Trinidad's requirements for its STR license applications.

The 2017-18 license application, like the one from the previous year, continues to include three parking spaces within the public right-of-way on Ocean Avenue in front of the property as "off street" spaces. This is simply not the case. There may be a maximum of two off street spaces adjacent to the alley in the rear portion of the property, depending upon the City's pending determination of the maximum encroachment of such spaces into the alley right-of-way without inhibiting access of fire suppression vehicles in the course of their work.

## 2) 381 Ocean Avenue –Sterling

The site and floor plans on the 2016-17 application also appear inadequate, including the fact that they contain no dimensions whatsoever.

This application indicates a one bedroom STR with 2 adults and one child maximum occupancy in the main residence. There is a converted garage structure in the rear of the lot which has been approved by the City as a detached accessory structure without a kitchen, and is rented to a tenant who has access to the kitchen in the main structure which is utilized as the STR on the parcel. This arrangement is memorialized in the STR contract and understood by STR occupants prior to signing the contract. An

appeal was filed before the Planning commission regarding the City determination that the detached structure is a detached living space rather than a detached dwelling unit, and that determination was upheld. Building Inspector John Roberts inspected this structure again in 2016 and in his report to the Clerk and City Manager dated August 31, 2016 found that it was still being utilized as a "detached bedroom with full bath, and a small sitting room with a sink, counter and fridge and that no cooking facilities exist". In an emailed complaint response to members of the neighborhood citizen's committee dated April 26, 2017, City Manager Dan Berman confirmed that it was still being utilized as a "detached living space" which is a permitted use and would be re-inspected along with the main house as part of the current STR application process.

As pointed out by a citizen complaint, an April 2017 advertisement for this STR stated "Off-street parking, located right in front of the house, is available for up to two vehicles during your stay". Although implied by the original site plan indicating two "unofficial" parking spaces in front of the house, in fact there is no room for off-street parking in that area outside of the Ocean Avenue right-of-way, as determined by the 2017 right-of-way survey.

An administrative exception has been granted for one off-street parking space, as allowable under section 17.56.190 (6.26).M .6 of the STR Ordinance. There is one onsite parking space indicated on the STR application and designated "official parking space" on the site plan. In fact, this space is presently being utilized as a patio adjacent to the detached accessory structure, although it could easily be converted to a parking space by removing plants, outdoor furniture, etc. and opening the gate adjacent to the alley. The area fronting on Ocean Avenue on the site plan designated "unofficial parking" is in fact within the public right-of-way. Another area in the rear of the lot adjacent to the alley is shown on the site plan with the same designation. The distance between the rear of the accessory structure and the alley r-o-w varies between 6 and 6 ½ feet, so two legal parking spaces parallel to the alley would be possible in this area if they were allowed to extend about 2 feet into the alley r-o-w. This option is pending a City decision regarding the necessary unobstructed width necessary within the alley at all times for passage of fire fighting vehicles.

The 2017-18 application indicates a one bedroom STR with a maximum occupancy of two adults and two children as allowed in the ordinance, which differs from the 2016-17 stated maximum occupancy of two adults and one child. The site plan appears to be unchanged from the 2016-17 one. My copy of the 2016-17 application does not contain a floor plan. The 2017-18 application does include one, but without any dimensions nor scale. My comments regarding parking at this STR for the previous application continue to apply to the 2017-18 application, as far as I can ascertain, as well as my previous comments regarding the structure in the rear portion of the property

### 3) 407 Ocean Avenue – previously owned by Reinmans

This residence is under new ownership, but was previously licensed in 2016-17 as a 3 bedroom STR with 6 occupants and 3 off street parking spaces. Although these spaces are not shown on the site plan, they would be in the front driveway and garage, and a single legal onsite parking space at right angles to the alley in the southeast corner of the parcel.. The structure in the rear of the parcel which appears to have once been a garage is set back only 2 ½ feet from the alley r-o-w line. If parallel parking spaces were allowed in this area, they would be encroaching 6 feet into the alley right-of-way. There is one inspection performed by Dan Berman.

The new owner of 407 Ocean, Michelle McHenry, reapplied in time for the 2017-18 licensing period. The new application was for 3 bedrooms as was the previous one. Stated maximum occupancy was for 6

adults and 2 children. The application stated that Ms. Henry was presently occupying the main residence and only intended to rent the "attached suite", which would have a maximum occupancy of two guests under those conditions. The new application indicated a total interior area of 2305 square feet, while the previous one indicated the total as 1800 square feet. This may have been because the new application included the areas of the residence and the rear structure, while the previous one may have only included the main residence. Without any dimensions shown on the application site plan, that could not be determined without a City inspection and onsite measurement.

#### 4) 461 Ocean Avenue –Covney

2016-17 license application indicates that this STR is licensed for two bedrooms and 6 occupants. Inspection performed by Sandra Cuthbertson. Three off street parking spaces are indicated on the application, and shown on the site plan as all being in the front driveway. In addition, there is room in the rear of the parcel for four additional parking spaces. This rear area is adjacent to a legal non-conforming accessory dwelling unit which is not supposed to be utilized as a 2<sup>nd</sup> STR on the property.

The 2017-18 license application is essentially the same as the previous one, with the exception that the total interior area is listed as 1500 square feet on the latest one, and 2000 square feet on the previous one. The 2017-18 site plan is updated from the previous one to include the floor plan of the accessory dwelling unit in the rear of the property, along with the four legal parking spaces in the northeast portion of the parcel. The floor and site plans for this application are the only ones of those reviewed to show dimensions, with an approximate scale of about 1" = 13', although the scale is not actually shown on the plans themselves.

#### 4) 495 Ocean Avenue –previously owned by Vallee Janes

License application indicates that this STR was licensed for three bedrooms and 6 occupants. Inspection performed by John Roberts. Three off street parking spaces are indicated on the application, two of them in the rear garage and one compact car parallel to the alley adjacent to the garage. This 3<sup>rd</sup> space would have to extend 3 ½ feet into the alley r-o-w to meet the required width of 8 ½ feet.

This parcel was sold after the 2016-17 license year and so was not eligible for an STR license in the 2017-18 year. This reduces the total number of STRs in Trinidad toward the cap number, as defined by the STR ordinance. When the cap number is reached, it will be maintained at that level.

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Councilman Jim Baker

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Date

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Councilman Jack West

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Date

## **DISCUSSION AGENDA ITEM**

**Date: March 14<sup>th</sup> 2018**

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### **Item: STR Ad-hoc Committee Reports**

#### **Summary**

Councilmembers West and Baker have been serving as an ad-hoc STR Committee over the past year to work with interested community members and staff to review STR Ordinance Implementation and make suggestions. They have produced a pair of reports summarizing their conclusions and recommendations which are included herein. Most of their recommendations can be implemented by staff without any Council action, however some recommendations involve Council direction, and some may involve future amendments to the current STR Ordinance.

A brief staff discussion of some of the issues raised in the Committee Reports is also attached, and is intended to follow rather than lead the Committee Reports.

#### **Staff Recommendation:**

Staff recommends:

- the STR Ad Hoc Committee present their report and recommendations
- Council accept public comment
- Council consider adopting some or all of the Committee Report Recommendations

Attachments: STR ad-hoc Committee Reports (2)  
Staff Notes on Committee Reports

## Staff Notes on STR Ad-hoc Committee Report Issues

### **Parking**

The revised Ordinance discourages any new parking exceptions but allows existing parking exceptions to carry forward. No new exceptions have been granted. Three properties in the UR zone in Trinidad have been granted parking exceptions.

### **Ocean St. Alley**

Staff and Council members have reviewed the alley widths and consulted with our Volunteer Fire Dept. and with Calfire. Both entities believe their emergency access needs can be met as long as a clear 16' wide path is maintained. The alley right of way is 20' wide. There are many long-used parking places along the alley. A few are entirely on private property, many extend a few feet into the right of way, a few are almost entirely in the right of way. Staff's plan is to increase signage in the alley and work with individual property owners to ensure that the clearance for emergency vehicles is maintained, and signage is adequate for our deputies to use parking citations to keep the alley clear. Where long used parking places can safely fit, staff will work to allow them rather than to force those vehicles onto surrounding streets.

### **OWTS**

All STRs have current OWTS permits from the City. City OWTS permits set a regular maintenance schedule based on information available about the system and its use. OWTS are typically permitted based on the number of bedrooms – i.e. a 'two-bedroom OWTS'. No STR is allowed occupancy in exceedance of the permitted OWTS capacity.

### **Signs**

STRs are not required to have identifying signs, but if they are used the Ordinance limits their size, number, location, and content.

### **Applications**

Applications have varied widely in terms of the accuracy and detail of the site and floor plans. Staff have a template example that we provide to applicants, and we did request revised materials from some applicants in the most recent permitting round.

### **Complaints**

Please see attached for a draft STR Complaints Policy

### **Arbitration/Mediation**

The City can encourage arbitration or mediation, and could require it of the STR License holder, but cannot require it of the party with the complaint. Where the underlying problem is that neighbors do not want an STR next to them, staff do not see mediation or arbitration has likely to be helpful.

### **Meet and Greet Requirement**

This is one of two new requirements in the revised Ordinance to ensure that STR guests are fully informed of STR rules. The other new requirement is for the guests to initial and sign a one page summary of the key rules on noise and occupancy. Those rules are also found inside the STR.

The signed rules summary is easy to implement, serves as documentation, and is a good way to insure guests are fully aware of the rules when they book the house.

The meet and greet is more problematic. The main challenges as presented to staff by STR managers are 1) coordinating the physical timing, and 2) Redundancy and imposition on guests.

The timing is difficult because guests are often arriving after a long drive and their arrival time is very uncertain –they may stop for dinner, or a walk. They may arrive so late that a meet and greet could disturb the neighbors. Plans could be made to conduct the meet and greet the next morning, but again many guests may be eager to pursue their own schedule for the day rather than to be tied down to a meeting. Most STR guests are not expecting to have to schedule and coordinate an in-person meeting as part of their vacation. Hosts have also been clear that they and their guests feel the meeting is redundant with the rules summary that guests have already reviewed and signed.

The Ordinance is not specific about how to document the meet and greet for compliance. Staff initially thought that the Signed Rules Summary could work as documentation but has come to understand that this form is almost always completed ahead of the guests arrival. A separate form to document the meet and greet could be utilized.

### **Disputes over Planning Issues**

STR licenses have been, and continue to be, challenged over planning and zoning issues, largely around kitchens, second units, and detached living space. These issues are not specific to STRs, but there is significant overlap. Some of the properties on Ocean St. discussed by Councilmember Baker's report fall into this category.

A number of these challenges were made in 2015-16, and the Planning Commission heard that appeal and affirmed staff's decision in July of 2016.

The Council has asked the Planning Commission to review City Code and try to help resolve some of this issues. Past City decisions to allow detached living space, while not allowing a second unit, have led to a number of situations where a detached bedroom has been legally permitted, is technically in compliance with those permits, but is effectively being used as a second unit. Newer state laws seeking to increase housing by

### **Recommendation for New STR Committee**

Staff are open to these recommendations.



## City of Trinidad

### Working Draft STR Complaints Procedure

#### Step 1. Complaint made, acknowledged, and documented on Complaint Form.

Complaints to be made on an official City Complaint Form. Complaints received via phone, email, or other format will be responded to within one working (business) day with an acknowledgment, and a request to please complete the official Complaint Form. The Form will also be available on the City Website. Receipt of the Complaint form will also be acknowledged. Time Frame: Response within one business day.

#### Step 2. Share complaint with STR Owner. Make Information Requests.

City Staff will review the complaint, share it with the STR manager/owner, and request additional information as needed from all parties. This stage may involve conversations with all parties to clarify what happened.

Time Frame: three days to share complaint and request additional information. City will request that additional information be provided within a week of receipt of the request.

Step 3. Initial Draft Findings. City staff will produce an initial written draft of their determination within one week of receipt of all requested information. That draft will be shared with both parties for review and comment (one week allowed).

Step 4. Final determination. City Staff will produce a final written determination regarding the complaint and share with all parties .

Each complaint, and the progress of these steps in responding to it, will be tracked in a basic spreadsheet as well as a hard copy file.

#### Example timeline:

Step 1. Complaint received Saturday March 10 via email

Acknowledgment and request for Complaint Form provided Monday March 12. Completed Complaint Form accepted Tuesday March 13<sup>th</sup>.

Step 2.

City reviews complaint, shares with STR owner/manager, and requests additional information via letter no later than Friday March 16<sup>th</sup>. The letter provides the manager with one week to respond (by March 23).

Step 3. City reviews information and issues draft determination within one week, by March 30<sup>th</sup>.

Step 4. After reviewing any responses to draft determination, City issues Final Determination approximately one month from receipt of complaint.